

# ENGINEERSnews

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## Enormous Loss

Longtime Local 3 member B.K. Cooper, a crane rigging and safety specialist, worked at Ground Zero of the collapsed World Trade Center following the Sept. 11 terrorist attacks.



Photo by B. K. Cooper

## FOR THE good & welfare



By

**DON DOSER**

**Business  
Manager**

# Gov. Davis signs SB 40; more good news for working families

I have good news to report to you. Gov. Gray Davis recently signed Senate Bill 40, the measure that will significantly increase benefits for unemployed workers in California. This bill is the first of its kind in nearly a decade, and it couldn't have come a better time.

As the economy slows and the rainy season approaches, Operating Engineers can rest easier knowing this bill will raise the current maximum weekly benefit of \$230 to \$330 in 2002, \$370 in 2003, \$410 in 2004, and \$450 in 2005.

For heavy equipment operators who make an average of \$29 an hour, this means they will receive \$330 a week under SB 40 in 2002. This is \$100 more than the current unemployment benefit of \$230. The benefit will continue to increase each year; by 2005 operators will receive \$450 a week of unemployment insurance.

SB 40 increases the replacement rate from the current 39 percent of wages to 50 percent of wages by 2003. The bill will also require EDD to conduct a study regarding eligibility for unemployment insurance benefits and an alternative base period. In addition, this measure qualifies certain part-time employees for benefits.

Gov. Davis has said that SB 40 will keep California's unemployment benefits current with cost-of-living increases. Doing so will strengthen the safety net for employees in various industries, including construction.

SB 40 is long overdue. Only four states have lower unemployment benefits than California. The measure will lift us to 16th out of the 50 states, a marked improvement.

### A bit of history

Unemployment insurance was started by Franklin Delano Roosevelt's Social Security Act of 1935. During the depression, this initiative was a vital safety net for hun-

dreds of thousands of hard working people who lost their job through no fault of their own.

The state unemployment insurance program is financed by employers with the goal of helping workers replace a portion of their lost wages. The program delivers part pay, not full pay. Although the maximum weekly benefit is \$230, the average worker brings home about \$159 a week. That \$159 replaces about 23 percent of a worker's average lost wages. Even though financial experts recommend that benefits replace about half of workers' lost wages, California's benefits have fallen far below this minimal standard. Thankfully, SB 40 promises to reverse this trend.

Those of us in Northern California understand how impossible it is to afford groceries, a mortgage payment and other utility bills on \$159 a week. As unemployment continues to rise and the effects of Sept. 11 continue to ricochet through the economy, SB 40 will become a crucial safety net for more and more Californians.

### Davis comes through once again

Some of you might remember former Gov. Pete Wilson's opposition to benefits that would benefit the average worker. During his eight years as governor, he denied working families insurance protection.

Once again Gov. Davis has come through for working families by righting a past wrong.

The cost of the bill will be financed from a healthy \$6.6 billion balance in the state's unemployment insurance fund. Not one cent will come from the state's general fund because employer contributions are paid into the Unemployment Insurance Fund.

Yet again, Gov. Davis proves that he supports working families. Just another reason why labor supports him in his bid for re-election.

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## IN THE NEWS

## Terrorist attacks negatively impact construction

California's total construction volume for September totaled \$4.2 billion, down 25.8 percent from August 2001.

According to statistical data compiled monthly by the Construction Industry Research Board, all sectors in the state's private and public construction, with the exception of public buildings, were down significantly from the prior month.

Ben Bartolotto, director of CIRB, says the August to September decrease is directly attributed to the terrorist attacks of Sept. 11. There is uncertainty about how the initial impact of this event will affect the economy, and the already seen slowdown in private construction prior to the Sept. 11 event.

"It is hard to separate the World Trade Center tragedy from the decline in construction prior to Sept. 11," Bartolotto said. "But the net effect will be negative for the next year or so, even though the magnitude is unclear."

The impact of the terrorist attacks also affected California construction employment, which averaged 758,900 in September, down 6,700 from August. CIRB notes that September's construction employment average is the lowest in 11 months.

— Lamberson, Koster and Company



## Teichert's Ray Giunta helps Operating Engineers and others devastated in New York attack

NEW YORK — Ray Giunta calls Operating Engineers the heroes of Ground Zero.

After 22 gut-wrenching days as a chaplain helping rescue workers in New York, he should know.

Giunta, who works in employee relations for A. Teichert & Son Construction, helps with grief recovery, including the families of Local 3 members severely injured on the job. He also ministered to victims of the Oklahoma City bombing, separate schoolyard shootings in Marysville and Stockton, and again in Texas after a gunman killed 22 people.

After the Sept. 11 attacks, Giunta grabbed his packed bags and rushed to pray.

Armed with a master's degree in theology and several years' experience helping others, little could have prepared Giunta for the devastation, emotional pain, grief and exhaustion he encountered at the former World Trade Center.

Among those he counseled were Operating Engineers working 24/seven to find survivors.

"The heroes of Ground Zero are really the Operating Engineers and the ironworkers standing there cutting these massive beams, knowing there's people underneath," Giunta told *Engineers News* Oct. 25, the morning after he returned from New York. "It's not work they signed up for. They could have said, 'No. It's the military's job,' or 'Get the (U.S.) Corps of Engineers.' But they didn't."

Part of the reason: At least five Operating Engineers working nearby died after joining rescue personnel.

"They had just run in, saying, 'We'll help and get them out with you,'" Giunta said. "Five heroes ran in. They didn't have to; it wasn't their job. Yet, they ran in."

They didn't come out.

### 'Unsung heroes'

Giunta said slow progress is taking its toll.

"They are working very long hours doing extremely difficult

work," he said. "They are unsung heroes with no support systems."

Indeed, that's one reason why Teichert paid for Giunta and his three-person, crisis-support team to help set up a bereavement center.

The need is real.

"They say things like, 'I don't know whether I'm killing somebody, whether someone's still alive. Should I make this out? I'm not sure what I'm doing.'"

"For some of them it's obviously too much; they walk away (to regain their composure)."

In the end, Giunta said, the search and rescue effort became one of recovering bodies.

Then a near-miracle occurred.

"This week we found a firefighter and a police officer," Giunta said. "The other night they found seven firefighters under a large stairwell. They (Operating Engineers) were the ones who lifted up that stairwell."

### Operating Engineers on a mission

"These men are determined to do their best to find some remembrance for the victims' families, whether it's a shield or a helmet," Giunta said.

He added that this role is not lost on those being helped.

"When you talk to the firefighters they'll tell you the real heroes are the construction workers. They look up and say, 'I never realized how important those guys are on those pieces of equipment. They're looking for our brothers and sisters down there.'"

God bless you, Ray Giunta. You've help Local 3 brothers and sisters at Teichert, and your two trips to New York says volumes.

Thanks also to Teichert for paying expenses. This, too, says volumes about the class operation at Teichert. In a time of obvious need, Teichert put people first.

May there never again be a similar reason to do so.

## talking points



By

**JOHN BONILLA**

President

## FEATURE



**RED, WHITE, BLUE:** Those were the colors of the day as Gov. Gray Davis oversaw an emotional ceremony for Sept. 11 victims.

'Day of Remembrance'

## Nearly 100 Operating Engineers join Gov. Gray Davis to honor disaster victims, families

By Ray Sotero, associate news editor

SACRAMENTO, Calif. — Most of the several thousand mourners donned black suits, skirts or class A uniforms.

Many workers, however, proudly wore their hardhats, T-shirts and jeans or overalls.

Nearly all displayed American flags — and often tears of gratitude — for those who lost their lives, including 343 firefighters, in the East Coast terrorist attacks on Sept. 11.

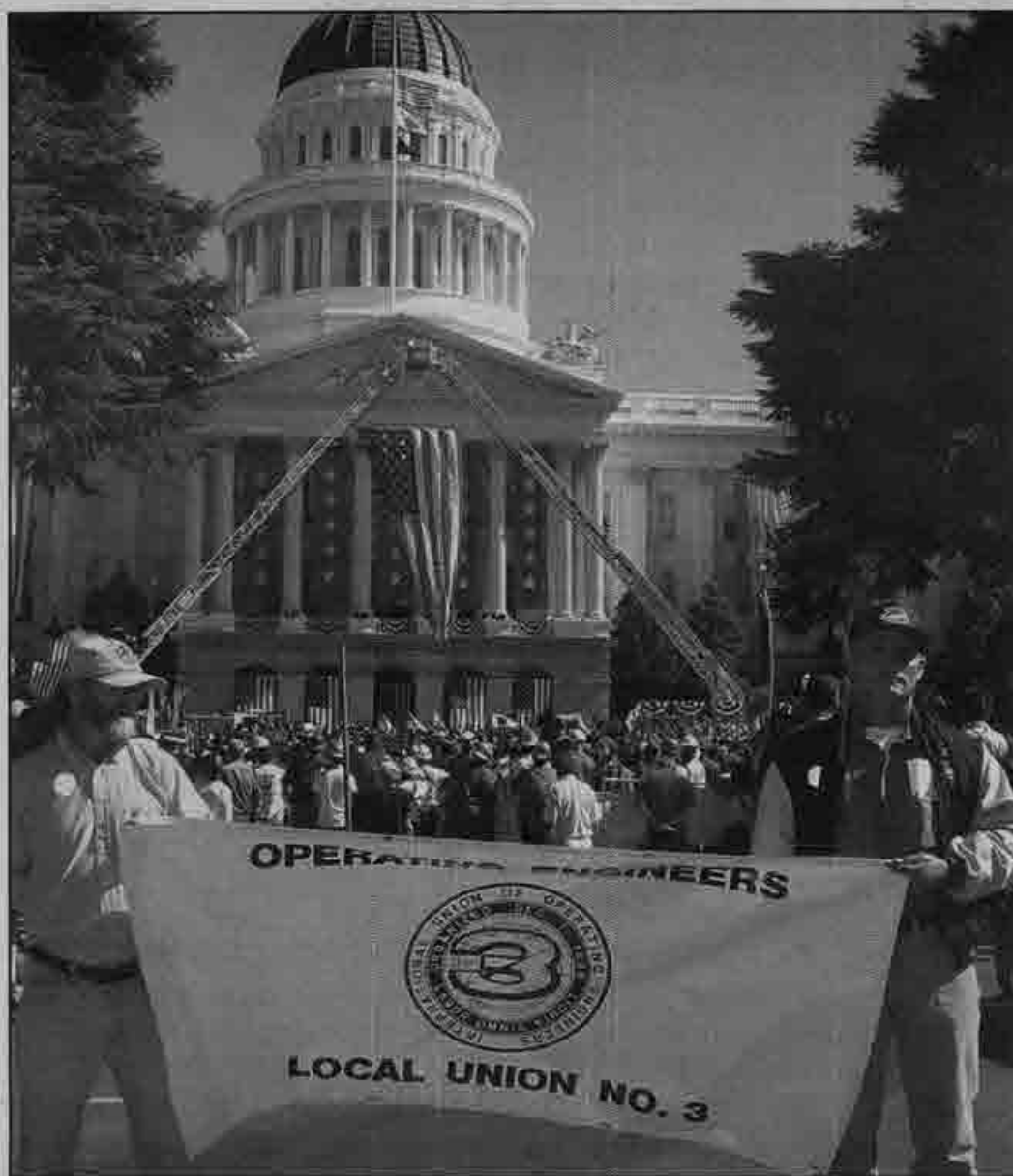
"They paid a terrible price for our freedom, as much as any soldier who ever fought in any war," Gov. Gray Davis told several thousand griever, including nearly 100 Operating Engineers, gathered in front of the Capitol's west steps. "Now, in the dark shadow of memories that must not fade, we gather to seek the light of God's healing grace for those lost and those who loved them."

Called California's Day of Remembrance, the Oct. 9 ceremony honored emergency personnel, construction workers and California-bound airline passengers killed in New York, Washington, D.C., and rural Pennsylvania plane crashes.

At least 47 Californians died, and 127 relatives of those victims attended Davis' nearly four-hour service held on a warm, sun-washed weekday.

The governor, himself a veteran of Vietnam, solemnly presented each family member with a folded American flag that had flown over the Capitol.

He then hugged many members one by one.



**FLYING COLORS:** Operating Engineers proudly displayed their Local 3 banner during the nearly four-hour ceremony.



## FEATURE



**BROTHER DON:** Business Manager Don Doser, center, talks to Special Business Rep. Roger Wilson of Fairfield during the rallying point at Raley Field. Right, firefighters in dress uniforms march along Capital Mall.



## Emotional march

Beginning at Raley Field 12 blocks from the Capitol dome's flag-draped, marble facade, the sad sounds of Scottish bagpipes filled the air as several thousand firefighters, law enforcement officers and building-trade members marched shoulder to shoulder while wearing either dress uniforms or modest work clothes.

While the differences in appearance made for a colorful collage, they also underscored the depth of unity among those who marched.

"We're here to pay our respects to the brave men and women who punched the clock and did their jobs," Local 3 Business Manager Don Doser said as fellow members carried or wore union signs, balloons, pins and caps. "Operating Engineers who died that day showed all of us the true colors of their work ethic: Those colors are red, white and blue."

Many of those who lined the mile-long Capital Mall parade route, between the Capitol building and the Sacramento River, waved flags and displayed banners proclaiming firefighters and emergency workers as heroes.

Some read simply: Solidarity.

The observance showed, Davis said, "The state's spirit is not broken but stronger than ever in solidarity with our nation."



**MARCH ON:** Nearly 100 Operating Engineers walk past a construction site at the beginning of their one-mile solidarity trek.

## FROM THE organ- izing dept.



By

**BOB MILLER**

**Local 3  
Treasurer**

**organizing  
hotline**  
(877)674-6493

# 7/11 Materials: three years of war – and counting

On July 22, 1998, Business Rep. Tom Aja received a phone call from an employee of 7/11 Materials, a rock plant near Waterford east of Modesto in Stanislaus County. The worker thought there was enough interest among the employees to initiate an organizing campaign.

After many meetings and phone conversations, on March 4, 1999, business representatives and organizers from Stockton's District 30 met with 7/11 hands in the lunchroom at the pit to get representation cards signed. Each of the employees signed cards and prepared to take on the company. From there, Local 3 presented the representation cards and petitioned for an election, which was set for April 12, 1999.

The workers easily won a National Labor Relations Board election by 78 percent, the company added a supervisor to the eligibility list and the workers thought they were home free.

Little did they know their struggle had just begun.

## The battle begins

The first thing the company did was hire a union-busting employer advocate. Next, the company contested the election. Off to Oakland we go for an NLRB hearing to explain our pre-election behavior and tactics. At the hearing, Local 3 attorney Paul Supton made the employer's representative look like a buffoon, and everything we had done was determined to be legal.

On July 11, 1999, our election victory of April 13 was certified. Again, the workers thought they were home free.

Wrong again.

Special Rep. Dave Young contacted 7/11 immediately and requested dates to commence negotiating. The company didn't seem able to give any dates, so it was back again to the NLRB to force the company to meet.

"It was obvious that 7/11 Materials had little intention to bargain in good faith," Young said.

On July 27, 1999, after the NLRB told 7/11 Materials to straighten up, we met for the first of many negotiation sessions. These were short, with company officials only agreeing on a few items each meeting. The meetings dragged on through the holidays and well into winter. In fact, the company was pretending to negotiate, waiting for our one-year recognition period to expire.

## Many moons later

After 22 meetings, the workers realized they had to try other tactics, and the organizing team was called back into the fight. Team members came in and rejuvenated the 7/11 workers, who were understandably wondering if they would ever see a contract. The company was clearly trying to beat them down and the workers were having none of it.

On June 2, 2000, the hands, with Local 3 support, decided to show the company just how mad they were by declaring an Unfair Labor Practice strike. Of nine employees, seven hit the gate.

The following Monday, June 5, 7/11 told workers they were terminated and would be replaced. For nearly three weeks they walked the line in front of 7/11's gate. During this period they gained considerable community support. Many

truck drivers turned their rigs around and refused to enter the pit. One truck driver even gave the picketers \$100 for refreshments.



UNFAIR: Jamie Elmore, a potential Local 3 member.

On June 23, 2000, after more rounds of meetings with the NLRB, our brothers triumphantly returned to work. On Sept. 1, 7/11 restored all lost wages and benefits. At this point these crusaders thought they could take on the devil himself and win; they may not be far off. One of the hands stated, "This action was the most exciting thing that had ever happened to me in my life, even more than the birth of my kids."

## Reality sets in

Through the euphoria and feelings of invincibility, reality set in – and spirit and determination took over. The employer refused to bargain in good faith and refused to correct many of the unfair labor practices.

Negotiations broke down. There could be no more negotiations until the unfair labor practices were corrected. Finally, on Feb. 8, 2001, the NLRB ruled the company guilty of most of the charges and ordered 7/11 to post an admission of guilt and correct its unlawful practices. It also ordered officials to commence bargaining in good faith.

Despite this victory, the 7/11 employees were not satisfied. They were determined to correct all of 7/11's unlawful practices. On March 2, 2001, an Unfair Competition Act charge was filed on behalf of the employees of 7/11 against the company.

On April 30, 2001, we got back to the negotiating table with a promise of concrete proposals and good faith negotiation. Local 3 brought in Special Rep. Frank Herrera to head the union's team; 7/11 brought in another union-busting representative. After only a couple of meetings it again became clear the company had no intention to come to an agreement.

Back to the gate the workers went. On July 30, 2001, the hands went back on an unfair labor practice strike. This time there was 100-percent participation. Two employees that had crossed the line before and a newly hired weigh master also joined us. After the two-day strike the hands returned to work and the negotiating team went back to the table.

## Worker fired

On Aug. 13 the new weigh master was fired for her union participation. This elicited more unfair labor practices and considerable anger among everyone involved. At our last negotiation session, Aug. 28, 2001, the employer made no proposals and refused to bargain. The company continues to commit unfair labor practices, which makes it impossible to negotiate on a level field.

Since our first contact in 1998, more than three years, countless hours of meetings, phone calls, research and depositions have passed and the employer still refuses to give employees a decent wage or benefits. The employer will spend hundreds of thousands of dollars to keep the employees from obtaining what is legally theirs: a union contract.

But the hands at 7/11 are united in their resolve. They refuse to give in. They won't leave until they see that contract signed. They've endured strikes, harassment and sometimes ridicule. They refuse to stop fighting until they've won and Local 3 has assured them the union will fight with them until we get that contract.

"These workers are what union's are all about," Doser said. "We should all be proud of our brothers and sisters of 7/11 Materials, and we will fight with them until we get a union contract."



UNION WANTED: Employees of 7/11 Materials want to join Local 3.



# Vacation and holiday pay plan

Vacation and holiday funds are issued to you during the November payout for March through August work, and again during the May payout for September through February work.

Use the Semi-Annual Payout Card for this purpose. Cards must be received at the Trust Fund in October for a check to be mailed to you during the November payout and must be received in April for a check to be mailed to you during the May payout.

If no card is received and you have more than \$60 on account, the money will transfer to the credit union at the end of November and at the end of May for the corresponding payout.

In addition to these two times per year, you are entitled to have one emergency withdrawal during each accumulation period. Accumulation periods are March through August hours and February through September hours. Checks are issued each Monday based on Emergency Withdrawal Cards received the preceding week.

For your own protection, it is required that your signature be verified by a notary public or a business representative on all Semi-Annual Payout Cards and Emergency Withdrawal Cards.

To maximize the accessibility of your vacation and holiday pay, you should set up a monthly credit union transfer. In this case, as funds become available, they will transfer to your credit union account on the 10th of each month. You must have a credit union account and complete the necessary monthly transfer forms. Contact the credit union for additional information and monthly transfer forms. The phone number for the credit union is (800) 877-4444.

If you have questions regarding the vacation and holiday pay plan, contact the Trust Fund office, billing and eligibility department at (800) 251-5014.

NOTE: Collective bargaining agreements limit the number of allowable emergency withdrawals to once in each accumulation period. Accumulation periods are March through August hours (semi-annual payout in November) and September through February hours (semi-annual payout in May).

Members who pay their initiation or reinstatement fees on a Time Payment Option or members who are on a monthly transfer to the credit union are not eligible for emergency withdrawals from the Vacation and Holiday Pay Plan.

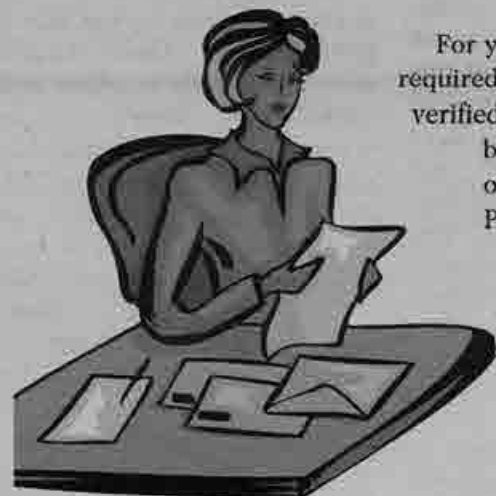
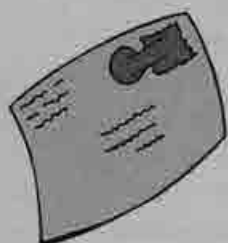
## NEWS FROM fringe benefits



By

**CHARLIE  
WARREN**

Director



**FRINGE BENEFIT  
SERVICES CENTER**  
1-800-532-2105

### VACATION POSTING SCHEDULE

Month hours worked	Date employer reports and payments are due at Trust Fund	Date posted to individual credit union account or available for emergency withdrawal
January	Feb. 25	April 10
February	March 25	May 10
March	April 25	June 10
April	May 25	July 10
May	June 25	Aug. 10
June	July 25	Sept. 10
July	Aug. 25	Oct. 10
August	Sept. 25	Nov. 10
September	Oct. 25	Dec. 10
October	Nov. 25	Jan. 10
November	Dec. 25	Feb. 10
December	Jan. 25	March 10



## FROM THE credit union



By

**ROB WISE**

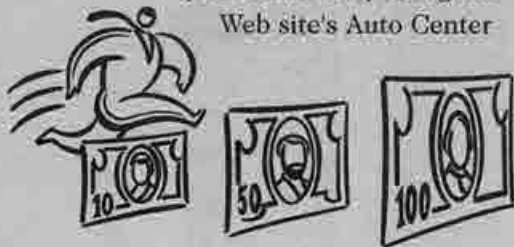
Credit Union Treasurer  
&  
Local 3 Recording  
Corresponding Secretary

## New look, same great features for credit union Web site

As the holidays approach, saving time and money becomes more important. The Web site for Local 3's own union credit union, the Operating Engineers Local 3 Federal Credit Union, (OEFCU) can help you stretch your budget and get things done faster. The Web site has a new design that makes it even easier to use its great features. If you have not checked out <www.oefcu.org> recently, please take a look. Simply click the credit union link at Local 3's Web site, <www.OE3.org>.

For example, if you are a car shopper wanting to take advantage of dealership inventory closeouts at this time of year, you can get an answer online on your vehicle-financing request. From application to answer takes only minutes, no matter what time of day you apply. Just click on the OE Express Loans icon at <www.oefcu.org>.

Save time and get the information you need to negotiate the best price for your trade-in by using the Web site's Auto Center



to access Kelley Blue Book. The Web site also puts Chrome's PC Carbook for new car pricing at your fingertips. Or tell the credit union's free Auto Buying

Consultant (ABC)\* service, what type of three-years-old or newer car or truck you want. It's easy by completing the online Find Me a Car! form. Your request will typically be responded to within 24 hours.

Here's another way to save time with the Web site: Any checks that you have ordered through the credit union can be re-ordered online using information on the re-order slip that came with your box of Liberty checks.

You can choose to keep your same style of checks or view online the many styles available. With an OEFCU checking account you will save on your monthly service costs and have the option of ordering checks with the Local 3 logo.

### Current APY available wherever you have Internet access

As a member-owned cooperative not obligated to produce stockholder profits, OEFCU can typically offer its members higher dividends on a variety of savings products. Use <www.oefcu.org> to check the current Annual Percentage Yield on these products. Savings vehicles available from OEFCU include money market accounts. Money market accounts earn a higher dividend than a regular savings account while giving you flexibility.

### Mark your calendars for fall car sale

On Saturday, Nov. 17, the credit union will hold a car sale at two locations: OEFCU headquarters at 6400 Village Parkway, Dublin, Calif. and Corporate Motors, 6250 Florin Road, Sacramento. Sale hours are from 8 a.m. to 2 p.m. with a one-quarter percent loan rate discount available during sale hours only. Members who choose to use an automatic payment method can also receive an additional one-half percent loan rate discount.

Most of the low-mileage cars, trucks and SUVs selected for the sale are still under factory warranty. Compare many different makes and models without the hassle of visiting different dealerships. As important, the car sale features no-haggle, pre-negotiated pricing and a no-pressure atmosphere. Up to 100-percent financing is available and trade-ins are welcome.

To apply for pre-approval and be ready to make the most of the sale, apply for your loan online at <www.oefcu.org>. Or call (800) 877-4444 or (925) 829-4400, or any OEFCU branch.

\*Available in California

## Holiday Loan Special

Borrow up to \$2,000 at a Special Rate of 9.00% APR\*  
and you have up to 12 months to repay.

**\*\*Avoid paying department store rates of 18% to 21% APR.\*\***



Operating Engineers #3  
Federal Credit Union

(925) 829-4400 • (800) 877-4444

Ends January 31, 2002  
\*Annual Percentage Rate



Apply online  
www.oefcu.org



*Stay safe; stay alive*

## Using cell phones while driving or operating can be hazardous to your health

Has this ever happened to you?

You are driving down the road in the fast lane and the traffic comes to an abrupt halt. When it starts again it is a lot slower. Everyone in the fast-lane is passing a car in the lane that is traveling way below the legal limit. When it is your turn to pass on the right you notice that the driver of the car in the fast lane is talking on a cellular phone and is oblivious to everything else around except the cell phone. Heck, maybe you were the one in the fast lane with the cell phone. Don't say it doesn't happen to me.

***Some companies are not allowing operators to use the phones when they are operating the rigs. Can companies do that? Damn right they can.***

The first week I received a company cell phone I ran a red light while trying to make a call. There are those of you out there that say you can use a cell phone while driving and still be safe. That may be true, but to those of you who say that, I have the following reply: You may be safe, but not as safe as you would be if you were not on the phone while driving.

Some states have banned the use of cellular phones while a vehicle is moving. If you must use a cell phone please comply with the following safety recommendations:

- ✦ Install and use "hands free" or speaker option, which will allow you to keep your hands on the wheel.
- ✦ Install the phone where it can be easily reached.
- ✦ Familiarize yourself with all the features and options to keep from looking at the phone.
- ✦ Dial sensibly. Wait for a light or pull off the road to dial.
- ✦ Don't use the phones in distracting traffic situations.
- ✦ Use voice mail to leave messages to yourself.
- ✦ Hang up if conditions become hazardous.
- ✦ Don't engage in stressful or emotional conversations while driving.
- ✦ Do not answer your phone during hazardous conditions. Allow your voice mail to answer the call.
- ✦ Advise the person with whom you are talking that you are on the cell phone and may have to hang up.

More and more cellular phones are showing up on jobsites. Some companies are not allowing operators to use the phones when they are operating the rigs. Can companies do that? Damn right they can. Lack of concentration can be just as deadly on the jobsite as it is on the road, and in some cases a lot more dangerous. The company isn't paying operators to be on the phone. Instead, make the calls at lunch or during a break.

Some people reading this article may disagree. They will say "I operate a rig when I am on the phone and I am safe." If you do have to use the cell, how much of an inconvenience is it to follow the above safety rules and suggestions? They will make your job safer. I can't make you though. I guess you will keep making us pass you on the right.

### HAZMAT classes, fourth quarter 2001

#### Eight-hour refreshers:

District 4	Saturday, Dec. 8 Fairfield District office 2540 N. Watney (707) 429 5008
District 20	Friday, Nov. 16, Saturday, Nov. 17 Alameda District office 1620 South Loop Drive (510) 748 7446
District 30	Saturday, Dec. 1 Stockton District office 1916 N. Broadway (209) 943 2332
District 80	Saturday, Nov. 10 Sacramento 4044 N. Freeway Blvd. (916) 565 6170
District 90	Saturday, Dec. 15 San Jose, Electricians Hall 908 Bern Court (408) 295 8788

Students must contact the district offices at the above numbers to register for the eight-hour classes.



#### 40-hour classes:

Rancho Murieta	Nov. 5-9
Alameda	Dec. 10-14

Students must contact the Safety Department (510) 748-7400 to register for 40-hour classes.

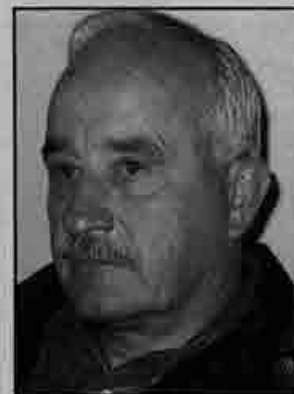
#### Costs

The cost of the eight-hour refresher classes is \$30 for non-members of the Local 3. There is no cost for members.

The cost of the 40-hour classes is \$250 for sponsored members of the Local 3 and \$300 for non-members. There is no charge for operators on the out-of-work-list.

FROM THE

safety  
dept.



By

**BRIAN BISHOP**

Director



# FROM rancho murieta



## RANCHO MURIETA TRAINING CENTER for Apprentice to Journey-level Operator

### Understanding our past; taking part in our future

In the wake of the September Semi-Annual meeting and other events occurring locally and nationally, I believe it necessary to impart some wisdom on our apprentices in this union. I came across an "historical" document, a portion of which I will share with you; one that should shed some light on how this union came to be.

"To understand the present, we must understand the past, and if we don't understand the mistakes of labor's past, we are destined to repeat them," according to an unsigned labor history in Local 3 files. "Many have given a great deal in the struggle and they should not be forgotten. All of you are here today because of them, and the opportunities you now have to enjoy healthy families, home ownership and the benefits this society now affords working people. This has all been achieved by the labor leaders of the past. Employer paid benefits (pension health and welfare, grievance procedures, worker rights, vacation/holiday pay, and annuity plans) would not be possible for us without the struggles of organized labor."



and sisters standing shoulder to shoulder? In short, what you have today, you did not earn alone.

When times are hard for one, they are hard for everyone. Your support can be as small as giving someone a pat on the back for a job well done. Then let it grow.

#### Get involved

On the jobsite and in your community be a representative of the Operating Engineers Apprenticeship Program. Get involved in community activities and union activities. Attend

your meetings with the objective of learning how you can better support this great union. And if you see a brother or sister who is down, extend a hand to help him or her up.

Joining the labor union means you pick up where others left off. We build for our future and the future of our brothers and sisters, their families, and for those who will follow. If you weave a legacy of indifference, what then are you working toward? What then will be the future of our union?

#### How it started

It began with organizers rallying workers together within their respective crafts – laborers, truck drivers, cannery workers and equipment operators – to make better working conditions, thereby better living conditions, for every union member.

"The business manager, Don Doser, believes that it is very important for apprentices, just beginning their careers as Operating Engineers and as a part of organized labor, to understand the long struggle that labor has endured in achieving the successful position the union craftsman enjoys today," the history read. "The struggle has been long and difficult for over 200 years, and by no means are the wages and benefits that have been achieved in any way protected today."

"In 1931 the Davis-Bacon Act was enacted requiring contractors on federal construction projects to pay their workers no less than the wage rates prevailing in the local area for each construction craft. It was intended to protect communities and workers from the economic disruption caused by competition arising from contractors obtaining federal construction contracts by underbidding local wage levels."

#### Be vigilant

Prevailing wages prevail today. The historical review added, however, "there are forces at work daily to push back and undermine the union process. These forces want to take away these hard fought for conditions and to establish a union-free environment setting back the 200 years of progress and destroying a good life for working people."

Therefore, we all must be vigilant and unified. We must vote at the polls and voice our opinions everywhere else, lest we lose the ability to maintain the quality of life we enjoy so much and the standard of living which we have so severely earned.

All union members must carry traditions forward. If we don't, organized labor may well disappear along with those 200 years of a rich history immersed in bittersweet victories, oftentimes mixed with tragic results. Let's not let the achievements of our founding labor leaders be forgotten or their efforts be tossed by the wayside. Don't wait to be an activist and an advocate until you have lost that right. Phrases like "shoulder to shoulder," "strength in numbers," and "solidarity forever" stand for this union's traditions and the core values of its members.

You cannot rely on your journey-level grade brothers and sisters to shoulder all the support. For what will you have learned about solidarity and loyalty if you are not down in the trenches, amongst your brothers

#### RMTC: Training apprentices for 30 years

During the past 30 years, the Joint Apprenticeship Committee has been dedicated to providing apprentices and journey-level operators with the best possible training opportunities. The source of training for both operators and mechanics is at the Rancho Murieta Training Center. The goal of the RMTC is to supply the industry with skilled crafts people through apprenticeship training and journey-level grade upgrading through advanced apprentice training.

We are proud of our contribution to Operating Engineers Local 3, and we look forward to many more years of promoting the best in the industry. Congratulations to the latest group of men and women who have gone from apprentice to journey-level grade.

Operator	Branch of Training	District	Completed
Scott Carroll	Construction Equipment Operator	Redding	Aug. 27
Kevin Dern	Construction Equipment Operator	Oakland	Sept. 24
John Joseph Jr.	Heavy Duty Repairman	Oakland	Sept. 24
Wayne Martin	Construction Equipment Operator	Stockton	Sept. 17
B. Morrissey	Rock, Sand, & Gravel	Oakland	Sept. 24
Charles M. Myers	Heavy Duty Repairman	Oakland	Sept. 24
Robert Wallace	Construction Equipment Operator	Yuba City	Aug. 27
Myron M. Waters	Heavy Duty Repairman	Oakland	Sept. 24

For more information on class schedules and other courses, read *Engineers News* and check our Web site: [www.oe3.org](http://www.oe3.org).

#### Schedule of Training Courses

##### CCO Test Classes

December 2001

Mandatory application deadline: Nov. 9

Mandatory refresher classes: Dec. 8 - 15

Written test: Dec. 16

##### CCO Practical Test Dates

Nov. 3 - 4

Dec. 26 - 28, 29 - 30

Jan. 2 - 4, 7 - 11, 12 - 13, 19 - 20, 26 - 27



# Enormous Loss

*"Cooper remains struck by the contrasts of chaos and kindness, despair and determination, heroism and humility."*



The new skyline at Ground Zero.

Story by Amy Modun, Managing Editor  
Photos by B.K. Cooper

One word comes to mind when you ask B.K. Cooper, Local 3 member and contractor since 1976, about his first impression of the devastation in New York City: enormity. For nearly two weeks following the Sept. 11 attacks on the World Trade Center, Cooper was dispatched from Northern California to New York where he worked with the Incident Support Team and the Federal Emergency Medical Administration to ensure crane rigging and safety for task forces working at Ground Zero of the collapse. His participation in one of the most horrific yet historic events is an experience that will never leave him.

Through his involvement with the Marin County Urban Search and Rescue, Cooper serves as an emergency crane instructor. In his classes, Cooper teaches operators how to push the capacity envelope of cranes in

emergency rescue situations. His background and experience make him a valuable asset in real-life emergencies so it was no surprise when California Task Force 3, a FEMA division, dispatched him to duty in N.Y. On Sept. 17, Cooper left from Travis Air Force Base in Fairfield, Calif., knowing there was no way to fully prepare for the physical, mental and emotional exhaustion that awaited him once he landed nearly 3,000 miles away.

## What nightmares are made of

As the days since Sept. 11 pass, Cooper said he's slowly putting the sights and sounds of his time at the WTC into perspective. As he sifts through the tragedy he experienced for nine days, Cooper remains struck by the contrasts of chaos and kindness, despair and

determination, heroism and humility. These images bombarded him from the moment he landed in N.Y., and the realization of what happened came with his initial glimpse of Ground Zero.

"I looked up at a 40-story building standing near the rubble and realized that the World Trade Center was three times as high," he said.

When he arrived, the vast field of ruins still smoldered around him. Pockets in the basement measured up to 1,200 degrees Fahrenheit. Dust and asbestos coated the air, and the smell of death hung like a black veil over the entire portion of Lower Manhattan. Two and a half million tons of twisted steel and rubble covered the ground like scattered gravestones.

continued on page 12

# Enormous Loss

continued from page 11

"These were the visions nightmares are made of," Cooper said.

Perhaps the most difficult sight was that of despair, a vision no one working Ground Zero could escape. Despair and sadness gripped the faces and hearts of everyone involved.

N.Y. Firefighters, who lost 40 of their chiefs, were among the most affected. The sensitive nature of the area limited photography, especially of the firefighters, who considered the site a burial ground.

"I couldn't photograph the firemen, and yet that was the photograph," Cooper said.

Other volunteers also worked under the heavy weight of misery, which occasionally took its toll on their spirits.

"One of the saddest and most memorable things happened with one of the crane operators from N.Y. who asked to see a chaplain while working," Cooper said. "He hopped off his 4100 S2 crawler and then he, his oiler and the chaplain cried and prayed together for a few brief moments. Then he hopped back on his crane and kept going."

But even amid the grimness, Cooper said there were many moments of extraordinary kindness, generosity and selflessness. It seemed everyone had something to offer, some contribution to make, however small. Taxi cab drivers waived the fare for Ground Zero volunteers, an unheard of gesture. American Red Cross workers provided volunteers with every-

thing from toothbrushes to foot soles. Nearby, a large boat was docked on the Hudson River at Battery Street Park and open 24 hours a day for exhausted volunteers to eat and receive massages. Cooper remembers one lunch on the boat in particular that stands out.

"I had just finished eating and was ready to go back to Ground Zero," he said. "I stopped at the ramp of the boat to wait while someone readjusted it. Then I looked up. The Statue of Liberty was in front of me."

Spiritual support was also available. Chaplains were everywhere, and simple, makeshift memorials were created on benches and bus stops for those who needed a quiet moment alone before returning to their gruesome tasks.

## A tough site

The area of the collapse was divided into four quadrants, each marked with hazards. Four major contractors, Turner, Tully, Ameck and Bovis covered the areas, and each brought in demolition subcontractors. About 500 operators and 15 surveyors were on site during the rescue phase. Lingo specific to the wreckage quickly emerged between operators. A portion of the WTC that remained standing in the southwest quadrant was dubbed the potato chip. Large pieces of the fallen towers were called sea trout, and retrieving a piece was referred to as "catching sea trout." These sea trout were composed of three steel boxes and weighed 15-20 tons each.

The inner main supports of the WTC weighed up to 35 tons and necessitated a 700 and 1000-ton cranes that could operate far

enough from the slurry wall that the buildings. The slurry wall sealed the basement and keeps the Hudson from flooding the N.Y. subways. Its presence added extra challenges for search and

At Ground Zero 14 large crawler truck cranes, up to 30 excavators and a variety of loaders searched for victims. Excavators, sometimes four in a row, worked through and passed smaller pieces of debris. Cranes handled man baskets on the terrain. When an excavator or crane was in a void, rescuers entered the pockets in hopes of finding survivors.

Each shift ended the same way with meetings that reviewed safety progress and crane locations. The ability to communicate with contractors was crucial to getting the job done. Local 3's good relationship with the local helped facilitate Cooper's ability

"Thomas Maguire, business manager of Local Union 15 and its affiliates, was the first to call and offer assistance and condolences," Cooper said. "Operating Engineers in New York City forgot the brotherhood and charity that Local 3 showed. They're very appreciative."

Each new day brought new challenges. Major obstacles like wind shifts, rain, and smoke had to be overcome. A change in wind direction required workers to wear respirators for relief from the acrid smell that permeated the area. There were two days of rain, one night of thunderstorms, and one afternoon of hard wind that made it too dangerous to operate equipment.



Iron workers in man baskets cutting steel on collapsed WTC 7. WTC 6 in the background.



FDNY and rescuers atop 70-ft remains of WTC 1.



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"It was a tough site," Cooper said. "But it also became the largest and most important job I've ever worked on."

### It was an honor

Cooper's work in N.Y. ended when the status changed from rescue to recovery. Though there was never an official declaration to end the search for survivors, Cooper was sent home 16 days after the tragedy occurred. His departure brought mixed emotions. Although he was glad to return to his family, Cooper said it was tough to leave a place he'd become so involved in.

"It was an honor to be able to help," Cooper said. "But it was good to go home."

The amount of attention and thanks he's received for his participation has been overwhelming for him, even embarrassing at times.

"I was uncomfortable by all the thanks," he said. "I didn't want the attention. But then a chaplain explained to me that people express their appreciation because they're looking for a way to heal."

Despite the attention, Cooper hasn't let it go to his head. His life has returned to normal, and his company, Cooper Crane and Rigging in Vallejo and Novato, continues business as usual.

"After I spilled soda on my lap in first class on the flight home, I realized it was just the same old me," Cooper said.



Excavator operation removing and loading twisted steel from WTC 4.



From the plaza area looking at the remains of a world-sphere sculpture and WTC 1.

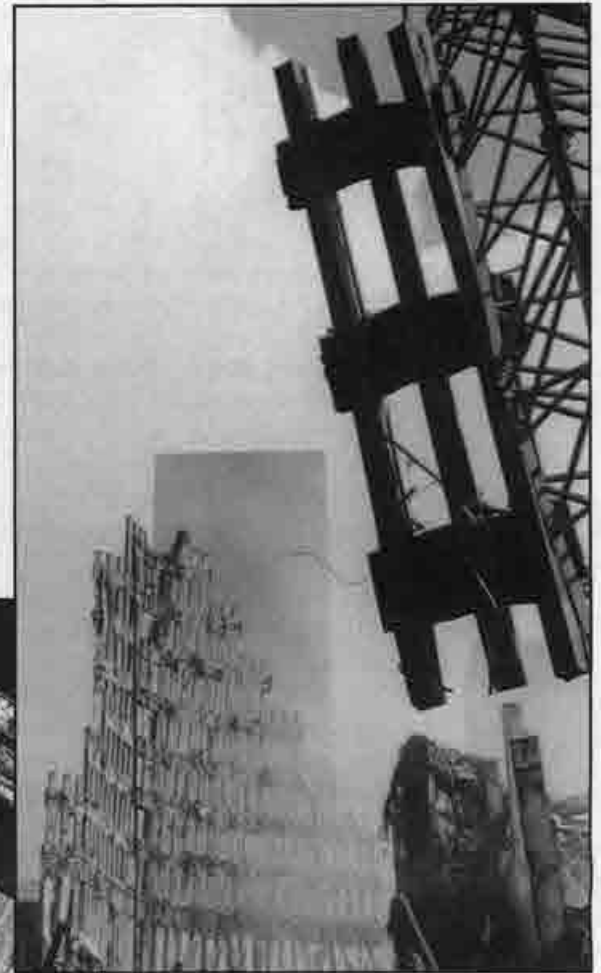


300-ton Liebherr assisting rescue operations near WTC 5 and the plaza area.

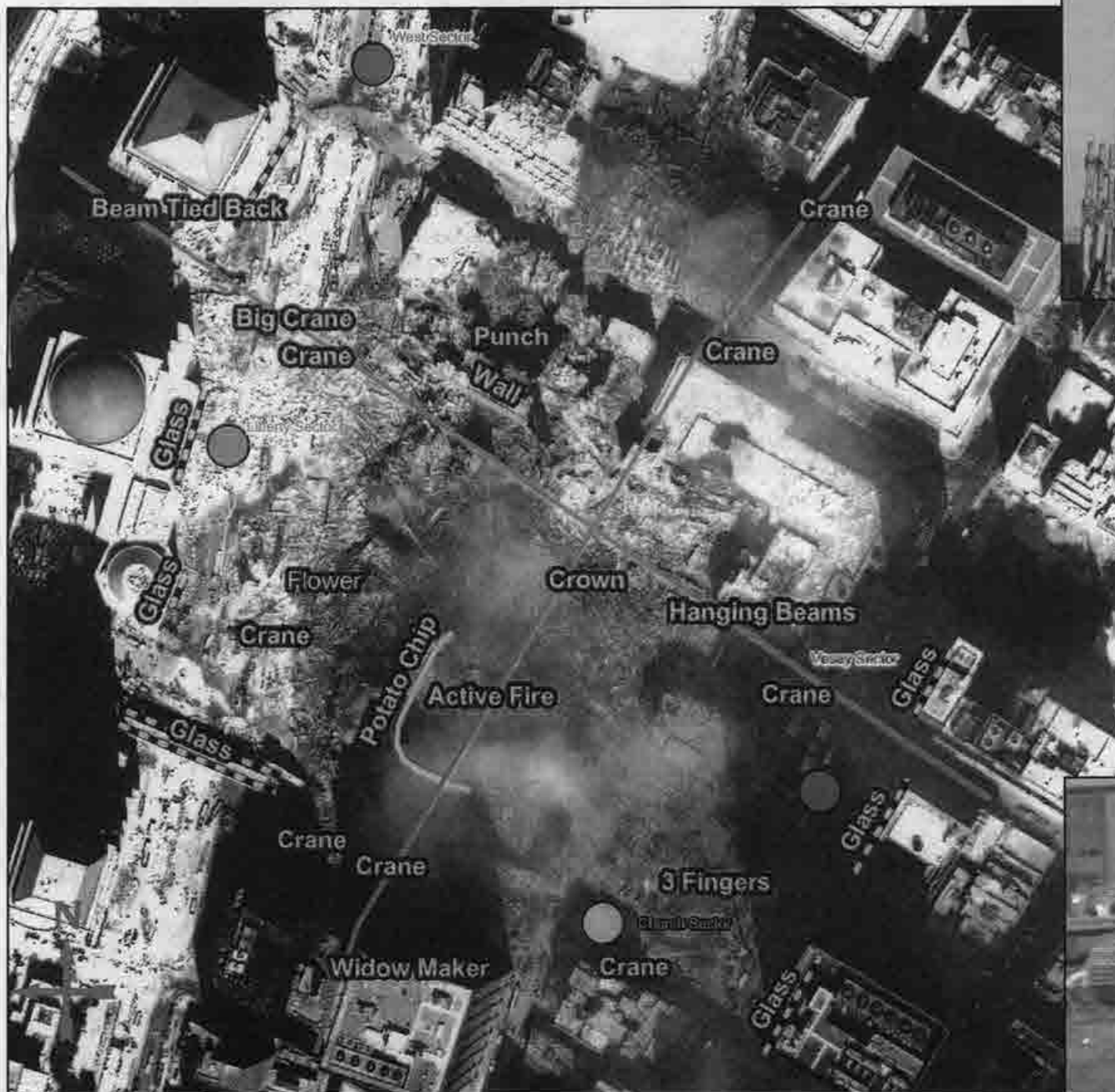
# The work continues



Left: A 700-ton Leibherr operates from West Street. Thirty-eight truckloads delivered the crane to the site.



Catch of the hour: A crane removes "sea trout," a part of the outer structure of WTC 1, weighing 15-20 tons.



Aerial view of Ground Zero pinpointing crane locations and hazards which are updated daily.



Cooper, left, and a Local 15A oiler at Ground Zero.





## \$25 billion could equal 300,000 jobs

### 'Bullet' trains: Golden bullet for Golden State?

By Garland Rosauro, Local 3 political director

SACRAMENTO, Calif. — In the aftermath of the Sept. 11 terrorist attacks, the time may be right for California lawmakers to lead the way in providing an alternative transportation system that's safe, good for the economy and creates jobs, according to a leading proponent.

Those are the stated goals of a plan pushed by state Sen. Jim Costa, D-Fresno, to fast-track construction of a high-speed "bullet" rail system that would connect California's largest cities and reduce travel times.

When completed in as soon as 10 years, for example, Costa said travelers could leave Sacramento and be in Los Angeles in two hours.

An effort launched now would spur growth in the economy — and create up to 300,000 short-, and long-term jobs statewide, Costa told *Engineers News*.

"As you consider options to address the state's economic needs in this time of uncertainty, I strongly encourage you to make a commitment to build high-speed rail in California," said in an open Oct. 16 letter to Gov. Gray Davis.

A spokeswoman for Davis said Costa's proposal may be discussed during a planned economic summit the governor has called for early November.

Rod Diridon Sr., the new chair of the state's High Speed Rail Authority board, said a project as big as the one proposed by Costa would change the face of the state and the pace of its economy.

Interest in alternative modes of transportation in general and high-speed rail in particular is picking up speed nationwide, Costa said. For example, members of Congress plan to introduce a \$71 billion package to help states fund rail projects, and California Sen. Dianne Feinstein is said to support \$4.5 million in rail funding.

An estimated 80 percent of the \$25 billion needed to build a train system capable of 200 mph would go to construction.

"By following the example of Western Europe and Japan, California can develop public-private partnerships to design, build and operate high-speed trains," Costa said. "In difficult times like these, we need vision to help us reach our goals."

"Investing in high-speed rail requires that vision."

Should California leaders deem the proposal worthy, Local 3 Business Manager Don Doser said thousands of Operating Engineers stand ready to help make it reality.

#### In other Dome-related news:

**CALIFORNIA DREAM BUILDIN':** As noted above, California's economy is No. 1 on the agenda as Gov. Davis convenes a blue-ribbon summit that is expected to include about 50 business and labor leaders, the governor's office confirmed in an unusual Sunday announcement Oct. 21. The day-long summit in Burbank, called "Partnering for

California's Future," will focus on what can be done to help the economy plus initiate new opportunities for the state's work force. Go get 'em, Gray.

**FIRST FEMALE SPEAKER?** Eight-term Rep. Nancy Pelosi of San Francisco in October won election as Democratic whip, elevating her to the second-highest party position in the House and making her one of the most powerful politicians in California. Should Minority Leader Richard Gephardt step down to run for president in 2004 and Democrats regain its five-seat deficit to control Congress, Pelosi could become the nation's first woman speaker of the House. Her credentials include a safe district, access to deep pockets in the Silicon Valley, excellent organizational skills and made-for-TV charisma. Not bad for a mother of five who began her public career doing civic and volunteer work.

**SEPT. 11 LICENSE PLATE:** Los Angeles Assemblyman Herb Wesson, to be formally named Speaker of the California Assembly next session, and Assemblyman Dave Cox have announced plans to raise money for the Sept. 11 disaster victims by encouraging Californians to buy \$50 memorial license plates designed by California high school students. The annual renewal fee would be \$40. "Terrorism affects us all no matter where it occurs," Wesson said. "We are all surviving victims of the Sept. 11 tragedy. This license plate will provide us with an opportunity to join together in the new war against terrorism." The measure will be introduced when the Legislature reconvenes in January. If successful, the plates would no doubt be displayed with pride.

**HAWAIIAN MAYOR:** Local 3's Hawaiian district, home to nearly 4,000 members, has endorsed former City Council Chair Mufi Hannemann in his bid to become mayor of Honolulu next year. "Ensuring jobs and a healthy economy for the city and county of Honolulu have been, and will continue to be, among the central themes of my public service," Hannemann said. "Should I be elected mayor ... (I) intend to place renewed emphasis on repair and maintenance and improving the city's basic infrastructure, such as sewer and water line replacement and road resurfacing." District Rep. Harold Lewis said Hannemann deserved election. "Mufi recognizes the priority of enhancing the quality of life for the residents of the county by supporting economic prosperity, business growth and job creation," Lewis said. And Local 3 recognizes the value of union-friendly leaders.



From left: Tony Saguibo, Laborers Union; Local 3 District Rep. Harold K. Lewis; Mayoral Candidate Mufi Hannemann; Ben Saguibo, business manager Laborers Union; Allan Parker, Local 3 stabilization fund administrator.

## FROM THE districts

### Election season

The following are political endorsements by Local 3's Fairfield District for upcoming elections:

**Benicia City Council**  
Nancy Martinez  
Mark Lobdell

**Fairfield City Council**  
John English  
Harry Price

**Vallejo City Council**  
Mohsen Sultan  
Pete Rey  
Joanne Shivley

**Fairfield mayor**  
Open endorsement

**Benicia Unified School District**  
H. R. Autz  
J.B. Davis  
James Wallace

**Fairfield-Suisun Unified School District**  
Dennis Warren  
Abe Bautista  
Barbara Daw-Mallon

**Travis Unified School District Area 2**  
Mary Flurey

**Vacaville Unified School District Area 1**  
Katherine Brannon

**Vacaville Unified School District Area 2**  
Theresa Nutt  
Brett Johnson

**Vallejo City Unified School District**  
JoAnne van der Bruggen  
Rossana Verder-Aliga  
Burky Worel

**Solano County Board of Education Area 6**  
Doug Ford

## FROM ROHNERT PARK

### Work in Rohnert Park District continues to boom

ROHNERT PARK, Calif. – As of early October, the weather is warm to hot. It looks like an Indian summer, which is good news considering the many the jobs that are still open.

District 10 is kicking off our CAT, or Community Action Team, program. This is a fantastic campaign that Business Manager Don Doser is initiating to help use and mobilize our major strength: you, the membership of Local 3.

Thanks to all of the retirees and the active members who participated in our most recent retiree and regular quarterly district

meetings. Out next district meeting will be Dec. 6, 2001 at 7 p.m. at the Lakeport Yacht Club.

For those interested, the Rohnert Park District office now has the Entertainment Guides for sale. The price is \$20 for Lake, Sonoma and Mendocino counties.

Call the district office at (707) 585-2487 and inquire about your home area. The Sonoma Express books will be available shortly.

## FROM REDDING

### Bill Gregory seeks greater challenges

By Business Rep. Jay Bosley

REDDING, Calif. – William "Bill" Gregory was 4 years old as his family left Milin, Oregon, bound for a new life in Fresno, Calif., when their Model A ran out of gas – forcing them to camp under oak trees at Hwy. 299 and Churn Creek Road north of Redding.

They never left.

"Redding isn't an easy place to leave," Gregory offered with an easy laugh.

Today, Gregory, 68, hopes to continue a 38-year career as an active member of both Local 3 and his local community by running for his first public office: an open District 5 seat on the Anderson-Cottonwood Irrigation District Board of Directors.

Should Gregory win election to the unpaid, four-year post, he naturally would value trained, skilled union labor.

"Our local irrigation district is expected to spend millions of dollars on facilities during the next several years, and I want them done right and done by union workers," he said.

#### In the beginning

Gregory's romance with equipment began while skidding logs at age 13. His career as an Operating Engineer began in 1957 on a scraper helping build the road to Trinity Dam for Joe Lema Construction. He dearly remembers two old hands, Woody Woodard and Ceasar Rodgers, one in front and back, determined that Gregory would survive as they showed him where to dump and where to dig.

"Starting out, everyone needs a mentor," Gregory said. "They always have and they always will."

Along the way, Gregory worked for most all the major outfits: Ray Kizer, Trisdale Construction, Winston Drake and Green, Jaxon Baker, Fredrickson and Watson, and Mitty GEB, among others. His last employer was Mitty GEB and he said his most memorable employer was Ray Kizer, a popular builder who helped many get their start. Gregory

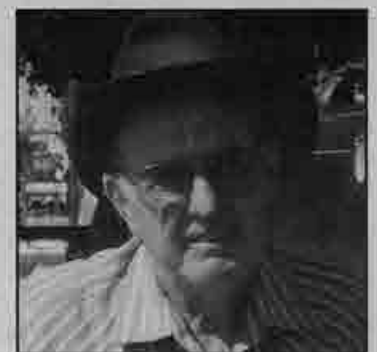
was also among the first training class at Camp Roberts near San Luis Obispo, the predecessor to Local 3's Rancho Murieta Training Center east of Sacramento.

In 1965, Gregory moved from operating equipment to his real love: fixing equipment. He worked as a mechanic until back injuries forced him to retire in 1978.

#### Public service

After he retired as an Operating Engineer came the real work of cattle ranching. Gregory raises a large herd of prized Red Angus cattle. Along the way, he also developed an avid interest in helping young people. He serves on several high school advisory committees for the agriculture department, Future Farmers of America, and Anderson Union, West Valley and Central Valley high schools.

Gregory often donates livestock and the use of his ranch



Longtime Local 3 member William "Bill" Gregory.

equipment to these public facilities. His personal fleet consists of a Cat 14a pulling a No. 60 scraper, a Cat 99E blade and a Case 580D backhoe. The kids do the grunt work of building corrals and pouring concrete; Gregory does the fun work running the equipment.

Gregory, a strong union member, believes hard work and dedication are essential to survive. Should he not win the A.C.I.D. election, Gregory is philosophical.

"I'll keep doing what I'm doing: volunteer work, community service, and raising my angus cattle."

Hats off to Bill Gregory for this endeavor.





## FROM WYOMING

## WW Clyde, Keynote Enterprises come to Wyoming – and hire Operating Engineers

CASPER, Wyo. – We in District 15 would like to welcome WW Clyde Construction to the great state of Wyoming. WW Clyde will perform work on the Evanston Airport Runway improvement project. Clyde officials said they need about 25 Operating Engineers to staff its equipment on a split shift. The project started in October.

Also, the staff of District 15 would like to welcome Keynote Enterprises, our newest employer to Wyoming. Keynote has employed four members on the WyoDak Power Plant project, and is expected to work through Christmas.

We would also like to congratulate DD Converters for working 10 years without a lost-time accident. That truly is an incredible job. Well done.

### District 15 training opportunities

Nov. 5-16: Beginning gradesetting.

Jan. 15-18: 40-hour HAZMAT (four 10-hour days)

Jan. 19: 8-hour HAZMAT refresher.

If you are interested in participating in any of these upgrade classes, please contact Norm Montgomery at the Casper office.

In closing, we in the District 15 office wish everyone a happy holiday.

– Business Rep. Tim Schmidt

## FROM UTAH

## Longtime Local 3 member Mike Douglas Nelson killed on the job

By Phil McChesney, training administrator

HEBER CITY, Utah – Mike Douglas Nelson, a loyal Local 3 member since 1970 and all around good hand, was crushed to death Sept. 20 while operating a scraper about 35 miles southeast of Salt Lake City. He was 49.

Nelson's dual-engine Cat 627 apparently became stuck and he backed up twice before the 84,000-pound machine rolled over while constructing a new church mountain camp east of Heber City, according to a preliminary sheriff's report. A co-worker found Nelson's body 250 feet uphill from the scraper, which had a damage estimate of \$100,000.

### Heartfelt sympathy

Fellow Local 3 members extend their deepest sympathy to Nelson's friends and family. He is survived by a mother, Veda Ramsay Nelson, four brothers and a sister. Tragically, his death occurred the day before he was to leave for his sister's wedding in Las Vegas.

The last words I had with Nelson were when he was with Wasatch Constructors on the recently completed Interstate 15 reconstruction project in downtown Salt Lake City. We were looking back at some work he had done.

"Looks pretty damn good don't it," Nelson said with pride.

"Yep, it sure does, Mike."

And it did; his work always looked good.

I should know. I worked with Nelson off and on for 21 years all over Utah. There wasn't a better scraper hand in the country. Nelson always took great pride in his work. He refused to do a job half way.

A couple other things: He never showed up to a jobsite late, and he always took good care of his equipment. Nelson was lucky in that when he started in this busi-

ness scrapers were the primary tool of the day for most everything – from cutting ditches to finishing slopes. He could do it all.

Nelson also was a person who on a day-to-day basis would help his fellow operator become a better hand. Fact is, we could use more hands to take his lead and mentor our union brothers and sisters.

### Let's give thanks

When this tragedy happened it occurred to me that we should give thanks to our brothers and sisters who have helped raise skill and safety levels in our industry. By doing this they have helped grow and better our union of Operating Engineers.

Following is just a few of the many who have helped other operators, including myself, get a leg up in this business: Kay Crittenden, a retired member, was one of the best dozer hands with whom I had the pleasure to work. Cotton Abbott is a retired Kiewit superintendent who would stay after work and come in on weekends to provide the equipment to help young hands become more efficient.

Abbott always preached union. He retired when Gilbert Western replaced Kiewit in Utah; he said he couldn't drive a generic colored pickup.

Elmo Kay, Teddy Boyer and Murray Christiansen are retired blade hands who were always willing to help anyone interested.

Gary Sterner, George Muir, Robert Gabbittas, Lyle Taylor, Val Hanni, Gary Siddoway, Lucky Hurford, Steve Walker and many more have helped this union and its members by teaching them newer and safer methods of working under their supervision, sometimes merely by giving

them a chance at becoming skilled at something different.

That is what union is all about. Thanks for being there and showing us the way. We are proud of you.



Mike Douglas Nelson

### The take-home lesson

Each of us has a built in safety-warning device. When those hairs on the back of your neck stand up, pay attention! You may be in a tricky spot. Look around and take stock of your situation. If you think you are in trouble, you probably are. Stop and get help. Foremen and superintendents should discuss with crews site-specific safety issues and on-the-job hazards.

### District 12 safety-training opportunities

#### 40-hour HAZMAT classes

Jan. 7-11

#### 8-hour refreshers

Jan. 4, 5 and 12

If you are interested in participating in any of these upgrade classes, please call the Salt Lake City union hall at (801) 596-2677. Classes will be limited to 30 people.

## FROM THE districts



## FROM THE districts

## FROM SACRAMENTO

### Spring workload still good as winter looms

By Business Rep. Dan Mostats

SACRAMENTO, Calif. — Work in the Sacramento District has been busy. Winter is coming, however, and that means trying to finish projects and getting jobs ready for the coming winter season.

Syblon Reid, general engineering contractors from the Folsom area, was second-lowest bidder on the Auburn airport runway expansion project. The low bidder was BRCO Constructors, a non-union firm from Loomis. With Don Reid's hard work and a lengthy meeting with the Auburn City Council, Syblon Reid won the \$4.1 million contract.

This project called for expanding an airport runway 600 feet by 15 feet, and it included a lot of earth grading and electrical work. Syblon Reid finished ahead of its Oct. 12 deadline. This project kept many Local 3 Operating Engineers working.

Baldwin Contracting from Marysville did the paving and Precision Surveying was responsible for the surveying.

Syblon Reid also was low bidder on a recycled water facility in Roseville for \$4.97 million. This project calls for building a booster pumping station and installing 24,000 feet of recycled-water pipe and repair of link from Diamond Road to two miles east of Washington Boulevard and from Wood Creek Oaks to Blue Oaks. Collet Construction from Woodland is doing the paving.

The Del Webb Lincoln area continues to be busy. With companies like Ford Construction, Kiewit Pacific, Concord, Teichert Construction and Granite Construction, Sacramento is doing various phases of work and keeps many Local 3 members working.

Kiewit Pacific from Concord was low bidder on the wastewater treatment recycling facility project in Lincoln for \$5.3 million. This project entails a lot of earth moving with the building of ponds plus drainage and irrigation structures. Vintage Paving from Winters will do the paving, and Benco from Elk Grove will do the structure work.

Kiewit Pacific continues to keep many members busy at the Pleasant Grove wastewater treatment plant project on Phillips Road in Roseville. This project is about 50 percent completed. T&S Construction and Diamond Oaks subcontractors on this project also stay busy.

Baldwin Contracting from Marysville was low bidder for \$1.1 million for the 2001 annual overlay contract for Nevada County to pave various locations throughout the county.

#### An important lesson

The importance of playing by the rules and sticking together was not lost during a recent problem involving a 14-mile Kiewit construction project on Interstate 80 between Gold Run and Nyack.

At least three members were working out of their classification and, in the end, we pulled 25 Operating Engineers off the project. It was done quickly, without any questions from our members, and it had an impact. It lasted only two hours before things were straightened out.

This underscored the kind of support we need to have an impact and demonstrates our strength. As Business Manager Don Doser has said, if we don't protect our work today, we'll lose it tomorrow.

#### Member paralyzed

Jimmy Duncan, Jr., a 32-year-old heavy equipment operator working for Perata Excavation in Truckee, was paralyzed from the chest down after being injured Aug. 18 near Genoa in a one-car accident.

As of late October, Duncan remained hospitalized in Sparks, Nev. Coworker Scott Townley, also a Local 3 heavy equipment operator, said Duncan is an excellent Operating Engineer who knew his job.

"He's just one of those people who appears to be a really tough guy but is as friendly as could be and was good to work with," Townley said.



MEMBER HURT: Jimmy Duncan Jr., with his daughter Danielle.

Donations to help with post-hospitalization expenses, such as a car with steering-wheel mounted foot controls, can be mailed to any branch of Wells Fargo Bank, account No. 0725159545. Checks only can be mailed to the Jimmy Duncan, Jr., Fund, Box 743, Genoa, NV, 89411. For account information, call Patti Dowden at Perata Excavation at (530) 582-7020.

#### Thanks, CATS

We would like to thank the many members in Sacramento who have given up taking extra time off to get involved with Local 3's new Community Action Team, or CAT, program.

We have a lot of things coming up in the future that will affect the condition of working families so we ask for your help to spend a little time by becoming a member captain. Remember, Local 3 is only as strong as its members, so get involved. Call today at (916) 565-6170.

#### Baby news

Cecilia Rioux, wife of four-year member Sean Rioux, gave birth on July 25 to a baby boy. Joseph Anthony Rioux weighed in at 7 pounds, 12 ounces and 21 inches long.



Local 3 members partake in the First Annual Ride to Reno.



Theresa Reclusado, Local 3's community service program coordinator, lets her Harley sail in the Ride to Reno.

#### FLYING COLORS

Local 3 members who joined in the five-hour, 235-mile trip to Reno via the Feather River and Quincy, Calif., gather round at the Reno District picnic. Reclusado said the event was to build team spirit and have fun, (thus the long, roundabout way to Reno). She hopes to repeat the event during the summer of 2002, and is asking more members to join in the fun. Anyone with ideas on how to generate interest and team spirit, such as Local 3 pennants for the motorcycles, are asked to call her at (916) 565-6170.



# Scholarship program continues to grow

Members can also help build the union's scholarship fund through contributions of their own

**L**ocal 3 has a long tradition of supporting training and education. A case in point is the Rancho Murieta Training Center, where the union, in cooperation with its signatory employers, administers one of the finest apprenticeship programs in the country. Graduates go on to fill the skilled labor needs of Local 3's signatory employers.

But Local 3 also feels that it's important to provide our own children with a brighter future. In today's rapidly changing technological society, it is becoming increasingly difficult to get ahead without some advanced training beyond high school. Competing for jobs that require more skill and education is one of our youth's biggest challenges.

Since 1965, Local 3 has maintained a scholarship program for the children of Local 3 members. In 1992, the Operating Engineers Federal Credit Union became a joint sponsor of the Local 3 College Scholarship. Since then, Local 3 and the credit union have provided \$3,000 annually to the first-place male and female winners and \$2,000 each to the male and female runner-ups. Each winner also receives an additional \$500 for each of the remaining three academic years provided they remain full-time students.

In an effort to increase the number of scholarships awarded, Local 3 and the credit union established the T.J. Stapleton Invitational Golf Tournament in 1996 in honor of former IUOE Vice President and Local 3 Business Manager T.J. Stapleton. Due to the success of the tournament, Local 3 was able to award 20 additional scholarships of \$500 each at the July Executive Board meeting in Alameda. These scholarships, chosen by random drawing, are for any advanced training beyond high school.

This year's tournament, held Sept. 17 at the Chardonnay Golf Club Shakespeare Course in Napa, raised close to \$58,000. With education costs rising much faster than the rate of inflation, Local 3 wants to continue to expand the scholarship program to provide Local 3 children in the years to come with vital educational assistance.

If you would like to help, please fill out the coupon on page 20. Your donation will not only be greatly appreciated, it will go a long way in helping a Local 3 child receive the training or education necessary to be successful in today's job market.



## Scholarship Contest Rules for 2002

**Applications are available at district offices and credit union branches**

The Local 3 officers and Executive Board understand that the workplace is rapidly changing, and many of the jobs in the future will require new skills that can be attained only with a good education. Local 3 is dedicated to giving our young people the opportunity to succeed in tomorrow's jobs by providing them with the chance to further their education and training. For this reason, Local 3 awards annual scholarships to sons and daughters of Local 3 members.

### ACADEMIC SCHOLARSHIP

Four college scholarships will be awarded to sons and daughters of Local 3 members. Two scholarships of \$3,000 each will be awarded to the first place female and male applicants. Two scholarships of \$2,000 each will be awarded to the runner-up female and male applicants. These scholarships must be used for study at any accredited U.S. college or university.

Winners also receive an additional \$500 per year from the Scholarship Fund for the second, third and fourth years of college, provided they remain full-time students.

The Academic Scholarships will not impose restrictions of any kind on the course of study. Recipients may accept any other grants or awards that do not rule out scholarship aid from other sources.

### WHO MAY APPLY

- Sons and daughters of members of Local 3 may apply for an Academic Scholarship. One parent of the applicant must be a member of Local 3 for at least

one year immediately preceding the date of the application.

- Sons and daughters of deceased members of Local 3 are eligible to apply for the scholarships. The parent of the applicant must have been a member of Local 3 in good standing for at least one year immediately preceding the date of death.

- The applicants must be senior high school students who have, or will be, graduated at the end of either: 1) the fall semester (beginning in 2001) or 2) the spring semester (beginning in 2002), in public, private or parochial schools who are planning to attend a college or university anywhere in the United States during the academic year and who are able to meet the academic requirements for entrance in the university or college of their choice. Students selected for scholarship must have achieved not less than a "B" average in their high school work.

Applications will be accepted between January 1, 2002 and March 31, 2002.

### AWARDING ACADEMIC SCHOLARSHIPS

Upon receipt of the application and required forms, Local 3 will not exercise any choice among the various applicants or indicate in any way that one applicant should be favored over another. Based on factors normally used in awarding academic scholarships, the University Scholarship Selection Committee will submit to the Local 3 Executive Board recommendations for finalists. The list of potential winners and their qualifications will be reviewed and studied by the Executive Board and the

scholarship winner selected.

Academic scholarship winners will be announced at the July Executive Board meeting of Operating Engineers Local 3. The checks will be deposited in the winning students' names at the college or university they plan to attend.

All of the following items must be received by March 31, 2002:

- The application, to be filled out and returned by the applicant.

- Report on applicant and transcript, to be filled out by the high school principal or person he or she designates and returned directly to Local 3 by the official completing it.

- Letters of recommendation. The applicants should submit one to three letters of recommendation giving information about their character and ability. These may be from teachers, community leaders, family friends or others who know the applicant. Please submit all letters of recommendation with the application.

- Photographs. A recent color photograph, preferably 2 inches by 3 inches, with the applicant's name written on the back. The photo should be clear enough to reproduce in the *Engineers News*.

- Media information. Provide the name, address and phone number of the applicant's local newspaper for the purpose of sending a press release on behalf of each winner.

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## meetings & announcements

# Scholarship Contest Rules for 2002

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### RANDOM-DRAW SCHOLARSHIPS

In addition to the four Academic Scholarships, Local 3 will also award 20 \$500 "Random-Draw Scholarships." The names of all applicants will be entered into a drawing to be held at the July Executive Board meeting. Applicants need not be present to win. The scholarships are available only to the sons and daughters of Local 3 members.

### GENERAL GUIDELINES FOR RANDOM-DRAW SCHOLARSHIPS

- Sons and daughters of Local 3 members may apply for the scholarship. One parent of the applicant must be a member of Local 3 for at least one year immediately preceding the date of the application.
- Sons and daughters of deceased members of Local 3 are eligible to apply for the scholarships if the parent was a member of Local 3 for at least one year immediately preceding the date of death.
- Sons and daughters of Local 3 members who plan to attend college or trade school are eligible to apply. They will not be judged on academic qualifications. All

applicants who apply for the Local 3 Academic Scholarships and do not win will automatically qualify for this drawing.

- Applications will be accepted until March 31, 2002. Previous winners are not eligible to apply.
- Winners will be determined by a random drawing to be held at the July Executive Board meeting. Applicants do not need to be present to win.
- The money will be funded when the college or trade school confirms the winner is a full-time student.

### WHERE TO GET APPLICATIONS

Academic and Random-Draw Scholarship applications are available at your district office or credit union branch office. It is the responsibility of the applicant to submit the application on time to:

Robert L. Wise  
Recording-Corresponding Secretary  
Operating Engineers Local Union No. 3  
1620 South Loop Road  
Alameda, CA 94502-7090.

Local 3 would like to thank the following contractors and everyone else who participated in the Golf Tournament and made it a successful event.

### MAJOR SPONSORS \$2,000

Consolidated Engineering Laboratories  
Harding Construction  
O'Grady Paving  
Ree's Enterprises  
Syar Industries  
AGC of California  
DeSilva Gates  
OC Jones & Sons  
A Teichert & Son

☐ **Yes!**

I would like to support the 2002 Operating Engineers Local 3 Scholarship Fund. Enclosed is my contribution in the amount of:

☐ \$20

☐ \$100

☐ \$50

☐ Other \$

Name: \_\_\_\_\_

Address: \_\_\_\_\_

City, State, Zip: \_\_\_\_\_

Phone: \_\_\_\_\_

Clip out & mail to: Robert L. Wise, Recording-Corresponding Secretary  
Operating Engineers Local Union No. 3  
1620 South Loop Rd., Alameda, CA 94502

### CONTRIBUTING SPONSORS \$1,000

Applied Industrial Technologies  
J & M  
Bobbie Mack Grinding  
W. Jaxon Baker  
Baldwin Contracting  
Crane Owners Association  
Employers Advocate  
Ghilotti Construction  
Mission Valley Rock  
George Reed

### RETIREE ASSOCIATION MEETINGS

#### FRESNO

Thursday Nov. 1, 2001  
Laborers Hall  
5431 E. Hedges  
Fresno, CA

2 PM

#### SALT LAKE CITY

Thursday Nov. 8, 2001  
Operating Engineers Bldg.  
1958 W.N. Temple  
Salt Lake City, UT

2 PM

#### NOVATO

Thursday Nov. 15, 2001  
Inn Marin  
250 Entrada Dr.  
Novato, CA

2 PM

#### WYOMING

Wednesday Nov. 7, 2001  
Operating Engineers Bldg.  
4925 Wardwell Industrial Drive  
Casper, Wyo

2 PM

#### S.F./SAN MATEO

Thursday Nov. 15, 2001  
Villa Hotel  
4000 S. El Camino Real  
San Mateo, CA

10 AM

#### RENO

Thursday Nov. 29, 2001  
Operating Engineers Bldg.  
1290 Corporate Blvd.  
Reno, NV

2 PM



## Departed Members

Our condolences to the family and friends of the following departed members.

Robert Brown	Sebastopol, CA	09-10-01
Robert Christy	Yuba City, CA	09-10-01
Joe Corrales	Hollister, CA	08-30-01
Jack Dickinson	Redding, CA	08-28-01
Raymond Elderts	Salton City, CA	09-01-01
S. Flores	San Francisco, CA	08-20-01
Vincent Forment	Woodland, CA	09-01-01
Edward Gay	Concord, CA	09-09-01
Glenn Heimsoth	Woodside, CA	05-01-01
Jacob Henkel	Fresno, CA	09-01-01
Gary Johnson	Lehi, UT	08-17-01
Arlie Lawrence	Middletown, CA	09-05-01
Lloyd Morris	Henderson, NV	09-17-01
Max Muir	Wallsburg, UT	09-05-01
Harold Palmer	Modesto, CA	09-16-01
Jerre Paolini	Glen Ellen, CA	08-28-01
Ed Park	Sacramento, CA	08-08-01
Lonnie Pike	Pine Grove, CA	06-29-01
Russell Ray	Wallace, CA	09-15-01
James Rinaudo	Lodi, CA	08-31-01
Charles Russell	Folsom, CA	09-06-01
Milo Steeley, Jr.	Oakdale, CA	09-01-01
Claude Storie	Placerville, CA	09-06-01
Robert White	Watsonville, CA	09-08-01
John Ynigues	Mililani, HI	08-24-01

## Deceased Dependents

Johnette Ane wife of Robert Ane	07-27-01
Lillie Baird wife of Clyde Baird	11-28-00
Mabel Bethers wife of Leslie Bethers (Dec.)	07-27-01
Elizabeth Catalano wife of Joseph Catalano	09-15-01
Mary Gilbert wife of Beecher B. Gilbert (Dec.)	09-17-01
Joan Howard wife of William J. Howard (Dec.)	09-21-01
Dora Johnson wife of Dellis Johnson (Dec.)	08-05-01
Janeene Jones wife of Clair Jones	06-02-01
Grace Maxwell wife of Henry Maxwell	09-02-01
Opal Mayne wife of Ralph Mayne	09-26-01
Laura Milam wife of Neil S. Milam	09-12-01
Cordie Nichols wife of Weldon P. Nichols	09-02-01
Jacqueline Rivers wife of Ronald Rivers	09-11-01

meetings  
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## HONORARY MEMBERS

The following retirees have 35 or more years of membership in Local 3 as of September 2001 and are eligible for Honorary Membership effective Oct. 1, 2001.

Clarence Costa	1137546	Jerry D. Hudgins	1219612	Erwin Olivera	0848296
Richard Cummings	0375564	Peter Kuilipule	1235185	Joseph Phillips	1257014
Richard Fideldy	1166707	Tage Lanng	1257189	Fred Pitschner	1989916
Karl Hallows	1262909	Byron Mason	0693675	Edward A. Stanton	1152779
Melvin Hawley	1242961	James Morford	1133484	Teruyuk Yamamoto	1257061
Richard Horn	1142751	Raymond Morgan	1187258	David Young	1257121

## DISTRICT MEETINGS

### NOVEMBER 2001

- 1st District 50: Fresno, CA  
Laborer's Hall  
5431 East Hedges
- 7th District 15: Casper, WY  
Engineers Building  
4925 Wardwell Industrial Dr.
- 8th District 12: Ogden, UT  
Marriott Hotel  
247-24th St.
- 15th District 01: Novato, CA  
Inn of Marin  
250-Entrada
- 29th District 11: Reno, NV  
Engineers Building  
1290 Corporate Blvd.  
Reno, NV 89502

### DECEMBER 2001

- 3rd District 17: Kauai, HI  
Kauai High School Cafeteria  
Lihue
- 4th District 17: Honolulu, HI  
Washington Intermediate  
School Cafeteria  
1633 S. King St.
- 5th District 17: Maui, HI \*  
Mouli Beach Hotel (Mouli Room)  
170 Kaahumanu Avenue  
Kahului
- 6th District 17: Hilo, HI  
Hilo ILWU Hall  
100 W. Lanikaula St.
- 6th District 10: Lakeport, CA  
Yacht Club  
55-5th St.
- 7th District 17: Kona, HI  
King Kamehameha Kona  
Beach Hotel  
75-5660 Palani Road  
Kailua-Kona
- 13th District 90: Freedom, CA  
Veterans of Foreign Wars Hall  
1960 Freedom Blvd.
- 13th District 20: Martinez, CA  
Plumbers 159  
1304 Roman Way

**All  
district meetings  
convene at 7 p.m.**

\* Please note location change

# swap shop

SwapShop ads are offered free to members in good standing for the sale or trade of personal items and/or real estate and are usually published for two months. Please immediately notify the office if your item has been sold. Business related offerings are not eligible for inclusion in SwapShop.

Engineers News reserves the right to edit ads. No phone-in ads please. Limit two ads per issue. To place an ad, type or print your ad legibly and mail to:

Operating Engineers  
Local Union No. 3, 3920  
Lennane Dr.,  
Sacramento, CA 95834  
ATTN: SwapShop

or fax ads to:  
SwapShop  
(916) 419-3487  
or e-mail to:  
www.oe3.org.

All ads must include the member's seven-digit registration number or the ad will not appear. All ads should be no longer than 50 words.

FOR SALE: 1999 Wildwood RV Trailer, 26 ft. with slide out, walk around queen bed, microwave, cassette stereo, A/C, awning. Illness forces sale, \$14,500/OBO, 530-221-0919. Reg. #2260403

FOR SALE: 1985 Lincoln Continental, 4-door, low miles, needs work, \$500/OBO, good for parts. Call Tom at 925-383-4877. Reg. #923389

FOR SALE: 1991 Winnebago Toyota motorhome, 21 ft., V6 in good condition, \$13,000 firm. Call 707-446-1287. Reg. #0750512

FOR SALE: Salt Lake Valley, Utah. Beautiful 11.75-acre farm and orchard with custom-built home. Can subdivide into one-acre lots, great access in secluded area, water shares are available. Only \$70,000 per acre, for more information call 801-254-3076. Reg. #0950667

FOR SALE: 1900 Sq. ft., 4 yr. Old home w/1000 plus sq. ft. garage, 2 or 3 bedrooms, 2 baths, ceramic tile floors, wood stove, landscaped, fenced yard, horse country on 18 plus sub-dividable acres, 40 minutes from Carson City, NV, \$185,000. Additional 18 plus acres available. 775-627-0245. Reg. #1171933

FOR SALE: 1998 Dodge Ram 1500, V6 magnum, 5-speed, manual transmission, new brakes, new tires, cass/radio, A/C, 49,000 miles, perfect condition, clean, \$9,000. 707-579-4649. Reg. #1963489

FOR SALE: Babylock Serger, Eclipse, model BLE-1, built-in needle threader, 4/3/2 thread, lots of other features with extra feet and workbook, excellent condition, \$650/OBO, call 707-838-9429. Reg. #0634612

FOR SALE: 41 Valley Acres with panoramic mountain views, near historic Wilson Canyon and 2 miles from the Walker River in Yerington, NV, privacy, horse country, four seasons, surveyed for sub-dividing, \$75,500. 925-681-0882. Reg. #2163112

FOR SALE: 1988 Aljo Aries by Skyline, fully contained 14 ft. travel trailer, clean and in good condition, has E-Z hitch, hot water heater and all the comforts of home, \$2,500. Call 510-223-0772 or 510-774-7284. Reg. #2357703

FOR SALE: Or best offer or trade Tesoro-lobo metal detector, \$200. Boss Se-50 stereo effects processor, 126 voices, \$150, Tascam ministudio porta-one, like new, \$150. Call 775-674-2323 or 775-741-7475. Reg. #1770647

FOR SALE: 1988 Honda CR500, runs great, looks great, new FMF pipe, new carb., many extras, must see to appreciate, must sell ASAP, \$2,500/OBO. 209-838-0709 Reg. #2344221

FOR SALE: 2000 Pride Scooter "Sundancer", red body with gray vinyl seat, solid tires, walker holder and front basket, like new condition, \$2,400/OBO. 510-351-1394 after 6 PM. Reg. #2000150

FOR SALE: 1994 445D Ford 4-wheel drive skid loader, 650 hours, 8x8 transmission, 56 hp diesel motor, 4 post ROPS, single lever control loader w/1 yd. Bucket and bolt on cutting edge, 84-inch Gannon box scraper w/hydraulic rippers, \$25,000/OBO. 510-351-1394 after 6 PM. Reg. #2000150

FOR SALE: Camper shell Braham, came off of Toyota pick-up 6 ft. bed, black, fair condition, \$100/OBO. Call Jack at 408-730-9160 or 408-221-7330. Reg. #1235511

FOR SALE: 1994 GMC 2500 SLE pick-up, 454 engine, automatic, long bed, 2-wheel drive, tow package, many extras, low mileage, like new, \$13,575 firm. 209-296-4426. Reg. #0538795

FOR SALE: 3 bedroom, 2 bath, dining room, large kitchen, large laundry room, family room, living room, new carpet and paint on 1 acre, nice area, in ground pool, \$135,000. No owner financing. Phone 916-534-6855. Reg. #1540543

FOR RENT with option to buy. Beautiful Victorian, 3 bedroom, 2 bath, alarm system, d/w, refrigerator, stove, double garage, yard care, 2,060 sq. ft., \$1,000/month, \$1,600 deposit. 916-534-6855 Reg. #1540543

FOR SALE: Ocean View Heights, secluded 8.73 acres, beautiful view of Pacific Ocean, on Ocean View Drive, Smith River, CA. between Crescent City, CA. and Brookings, OR., 359 ft. frontage, fire hydrant, meter, electricity and phone to s.w. corner, \$200,000/OBO. Phone 530-842-3689 or <http://www.pacificseacoast.com> for maps, description, taxes, etc. Reg. #603448

FOR SALE: 800 gallon, insulated, hot oil tank w/heat tube, asphalt pump, piping, valves, 6 cyl. Engine (needs come TLC), \$1,200/OBO. Phone 530-842-3689 late evenings or early morning. Let ring—old and slow. Reg. #603448

FOR SALE: Spacious 2 bdrm, 1 bath double wide, located in Austin, NV, established on four city lots, priced to sell. Call 775-964-2393 or e-mail: [tdw@austin.igate.com](mailto:tdw@austin.igate.com) Reg. #2363731

FOR SALE: 28 ft. motorhome, 1975 Diplomat II, sleeps 8, fully self-contained, 50,000 original miles, \$7,000/OBO. Call 775-964-2393 or e-mail [tdw@austin.igate.com](mailto:tdw@austin.igate.com) Reg. #2363731

FOR SALE: 1996 Arctic Cat snowmobile, EXT powder special, 580cc twin, new clutch and belt, pipes, cover, new top end 3/5/01, excellent condition, \$2,500. 36-inch backhoe bucket for John Deere 510D, new, \$500. Call 530-587-8758. Reg. #1750420

FOR SALE: Campersworld membership, campgrounds in Utah. Also has Coast to Coast and RPI. Make offer or will trade. Must sell. Call 530-642-1097. Reg. #964973

WANTED: Winch or tugger, with cable (200'). Excellent condition, reasonable price. Call 707-887-1244. Reg. #2018324

FOR SALE: 1989 Corvette, second owner, 14,900 original miles, two tops, coupe. Has every option available on car. White with Gray leather interior. Always garaged. \$16,000 firm. 510-656-1963. Reg. #1230135

FOR SALE: 1979 Trans Am, professional restoration, original owner. New engine, transmission, rims, tires, suspension, interior, paint, stereo, Flow Master, Cad plating, powder coating, HPC coatings, gold plating, 28k in receipts, awesome, 1200 miles, call for more details, \$14,000. Calif. Car, Roadster Show

winner, Good Guys first place winner. Call 510-656-1963. Reg. #1230135

FOR SALE: 1969 Cadillac sedan deVillie. Good 472 engine, body and vinyl top in good shape, two package, transmission just rebuilt, needs paint. \$2200. Call 209-532-2439. Reg. #1499933

FOR SALE: A large two story Miniature House, all hand made with 2000 hand split redwood shingles, with handmade furniture, supplies, books and extras. \$500, this is really for the serious miniature builder and collector! Located in Yakima, WA. Call 509-966-3330. Reg. #899494

FOR SALE: D8 Cat, 14A, Angle dozer and logging wrench on rear, runs good, asking \$5,000, located in Yakima, WA. Call 509-996-3330. Reg. #899494

FOR SALE: Engine rebuilding and tune-up tools, Cummins engine timing tool, \$350, Cat rack setting tool #6V9128, \$350, Mac Dowell puller set, \$75. Call 916-363-3948. Reg. #2202190

FOR SALE: Concrete Pump, 3/8 grout or , \$4,000, Bobcat backhoe, \$4,000, 16Ft. Shasta trailer, \$300, 1983 CR Husky Dirtbike, \$600, Hydraulic backhoe tamper, \$1,000, Full-size Jeep rack, \$225, Call 925-383-4596 or 925-674-8781. Reg. #545599071

FOR SALE: 1986 Ford 3 axle flatbed truck, turbo Cat diesel, dual drive, 40,000 miles, equipped with 21,000 pound Pitman hydraulic crane with remote controlled 60 Ft. boom, \$20,000/OBO. Bee Gee 6 yd. Hydraulic 10 ft. wide scraper, fair condition, will deliver, \$1,500 or trade for tools or car. Call 707-664-1784. Reg. #1047032

FOR SALE: 1981 Glass Boat, 16+6ft+2ft, freeboard, walk through windshields, Minn-Kota bow drive, 70 hp. Mercury OB with hydraulic lift, plus Fish & Depth finders, galvanized trailer, nice lake boat. Phone 707-887-2590. Reg. #625884

FOR SALE: Model 154 CUB Low-Boy rubber tired tractor with belly mower, 3 blade, hydraulic lift, \$2,500. Call 916-991-1530. Reg. #04861969

FOR SALE: Huber Roller, tandem, hydraulic steering, \$1,500. Call 916-991-1530. Reg. #04861969

FOR SALE: Motorhome, Ford Holiday Rambler 1984, 63,000 miles, 24 ft. class C, microwave, TV, Back-up alarm, CB radio, very clean, good condition, \$9,500. Call 530-662-1449. Reg. #688948

FOR SALE: 1994 34 ft. Class A RV, Covington by Firan, 19,000 miles clean ready to go, sleeps 6, backup camera, jacks, awning, TV/VCR, solar, 18W inverter, basement model, generator, 3 airs, tow bar, original owner, must sell due to illness, \$50,000/OBO, call 916-967-7023. Reg. #2237799

FOR SALE: Collectible Browning automatic 12-gauge shotgun, full choke, 32" barrel, made in Belgium, excellent condition, \$500. Call 209-931-2058. Reg. #1022395

FOR SALE: 2 bdrm/2bth dblwide mobile, excellent condition, surrounded on 3 sides by full decking, including hot tub, 3+ acres, 3 miles from town, very secluded on dead end road/paved driveway, out build-

ings, building potential, creek, \$140,000, call 707-464-5653, located in Crescent City, CA. Reg. #1659059

FOR SALE: Nazi WWII gun books, American Rifleman mags, collector books, misc. topics, send \$2.00 for large list, AT Cannon balls from old shipwreck in San Francisco Bay. Everett Miller, 8200 Rio Linda Blvd., Elverta, CA. 95626-9533. Reg. #1191119

FOR SALE: 1999 Sandpiper 5th wheel, like new, loaded, 2 slideouts, 2 8D batteries for extended heater use for dry camping, axles flipped for Ford with stock lift, new cover, \$16,500. Call 775-359-0163. Reg. #1732976

FOR SALE: 23 Ft. Sportcraft fishing boat, good motor, 250 Chevy 6 cyl., Mercury cruiser, outdrive, fish finder, Loran, VHF, CB, automatic pilot, good ocean fishing boat, year 1969. Call 916-485-4984. Reg. #0469213

FOR SALE: 1986 Eldorado motorhome, automatic step, hydraulic levelers, many automatic features, tandem axle, 454 cu. in. Chevy, 2 roof air conditioners, very fair condition and very low miles, make offer, 530-585-2480. Reg. #1175121

FOR SALE: Thousand Trails /NACOWest membership, \$750 plus transfer fee. Call 559-3817. Reg. #0998883

FOR SALE: 1997 Kawasaki KX250, adult owned, excellent condition, Pro Circuit exhaust, suspension, porting, KYB works kit, Renthal bars, sprocket & grips, new top end, fresh tires, oversize braking kit, two tanks, tons of extras, \$2,900. Call 408-445-2883. Reg. #2072288

FOR SALE: 7.5 acres, 12 miles east of Marysville just off Hwy 20, has building pad, great well, 3 hp with 2" water line over most of the property for sprinkler irrigation. Fenced and cross fenced with a great view, underground electric & phone. \$105,000/OBO. Call 208-745-7636

FOR SALE: 1995 Black Trans-AM, automatic, leather interior, t-top, fully loaded, good condition. Call 707-585-8028 or 707-953-9609. Reg. #1842990

FOR SALE: Lot in Pahump, Nevada, \$15,000, golf, hospital, casino, museum plus much more nearby. Only 45 minutes from exciting Las Vegas! 530-642-2497 Reg. #2077297

FOR SALE: Newfoundland black pups, gorgeous, gentle AKC, champion lines, vet check and health certificate, shots, dewormed. Family raised (not kennel), ready 9/01. \$1,200, 559-322-6230 Reg. 545524488

FOR SALE: Tilt trailer with 2-Fruehauf 18K lbs. Axles, 8 good 7.50X15-12 ply tires, vacuum brakes, 4" x 12" diam. Pin the hitch, 8' x 16' bed, custom built by Local 3 welder, \$3,300. 415-435-4727 Reg. 0286152

FOR SALE: 1989 Winnebago, 33 ft., 454 engine, excellent condition, lots of storage extras, 4 wheel disc brakes, air ride, 3 airs electric step and jacks, new mufflers, driver door side entrance, TV, microwave, shower, queen bed, 4-burner stove, stainless sinks, Onan gnerator, VCR, tires like new, Smogged and 2002 license, 68,000 miles. \$25,500 OBO. 925-458-3525. Reg. #0732157



## Local 3 members donate \$300,000 to New York victims

By Duane Beichley, media coordinator

"Over the past 43 years, my respect for working men and women has grown, but it has never been greater than it is right now." Business Manager Don Doser

On Sept. 11, 2001 an evil act was committed on the United States. This devastating event had its impact not only on the people of New York City and Washington D. C., but on many communities of our nation including those in California. All across our country people felt the overwhelming pain and suffering of those who endured the horror of this despicable act.

Several members of the International Union of Operating Engineers were victims. In the true spirit of unionism, the call to unite and to help our brothers and sisters was made. Business Manager Don Doser initiated a two-part plan to assist and

support those families affected by this event. The first step was to ask our members to donate blood. Local 3 requested people to contact local blood banks or the American Red Cross to schedule appointments for donating blood. Those who donate will receive special recognition in the form of an American flag pin with the words, "Remember 9-11-01." To receive this pin Local 3 members must contact their area district office to confirm their blood or monetary donation.

The second method of assistance was through monetary donations. Local 3 established the Operating Engineers Local 3 Disaster Relief Fund. Proceeds go to help IUOE families.

The response from our members to this plea has been nothing short of spectacular. This incredible outpouring of patriotism and loyalty has result-

ed in success. Thanks to the generous spirit of our Local 3 members and friends, IUOE families from New York will receive our direct financial support. From those who contributed at the Semi-Annual meeting, as well as those who mailed in donations to the Disaster Relief Fund, about \$300,000 will be available to assist these families. This is a phenomenal response that reflects well on Local 3 and its loyal members.

We continue to accept donations. Information has been sent via a mailer to all Local 3 members. You can also visit our Web site at <[www.oe3.org](http://www.oe3.org)>. With much pride and appreciation, we thank those members of Local 3 who contributed blood, money or both. We truly prove that America's strength lies in its workers who stand shoulder-to-shoulder.

## CAT members sharpen their claws

### 10-percent increase in voters cited

The fur is flying.

From California to Utah, loyal union members are honing their claws as Local 3's new Community Action Teams, or CATs, get organized for the coming political season, according to an assessment by Cindy Tuttle, Local 3's director of political training.

In fact, CATs are already leaving noteworthy slash marks.

To wit:

- CAT captains and supporters in Utah hit the streets recruiting and registering voters – and are credited with helping two mayoral candidates clear primaries for this month's general elections.
- In Sacramento, CAT members, succeeded in their first action, a postcard and phone blitz urging Gov. Gray Davis to sign a bill pro-

viding the first increase in unemployment benefits in a decade.

- Unionwide, more than 100 members have stepped up to be CAT Member Captains, including 16 in Utah, 21 in Sacramento, 15 in Yuba City, six in Redding, 15 in San Francisco and 19 in San Jose.

"At the last three Member Captain meetings – San Francisco, Stockton and Redding – we signed up 100 percent of rank-and-file members attending," Tuttle said. "This is proof solidarity works."

### Best claws forward

Already showing results are CAT efforts in Utah. The 16 rank-and-file volunteers that completed CAT Member Captain training put their

tools to work helping union friendly Trish Beck become one of the top vote getters in the primary; she's now in the running for the mayor's post in Sandy City.

At the same time, CAT members helped Wes Losser, a former union tile setter, win the primary for mayor of South Salt Lake City.

Both general elections will be held this month.

These Utah members were effective by establishing a database listing active union supporters, and then calling upon them to register Local 3 members and mobilize activists for phone banking and precinct walking, Tuttle said.

Another result: Local 3's voter registration in Utah has increased a whopping 10 percent.

Yep, the fur's flying, and it's still only fall. Just watch what we do in 2002.

## Question & Answer

### What is a CAT Member Captain?

#### Answer:

The job of a Member Captain is to make personal, face-to-face or telephone contact with district members and active supporters. Each captain goes through an intensive three-hour orientation by Cindy Tuttle, director of political training. The program includes volunteer recruitment techniques, issue education relevant to mobilization and related pro-worker efforts.

## New CAT Member Captains attend a recent training session in Salt Lake City, Utah



From left: Gerald Searle, a heavy equipment operator and member since 1996, works as a foreman for Fluor, Ames and Kramer Construction; and Brian Bailey, a member since 1992, is job steward and mechanic for Geneva Rock.



Bruce Noel, a heavy equipment operator and Local 3 member since 1999 and job steward at Granite Construction.



Retired Local 3 Business Rep. Virgil Blair, an honorary member who first joined the union in 1964.



Glen Smith, a heavy equipment operator and Local 3 member since 1975, is a job steward for Fluor, Ames and Kramer Construction.

## FROM THE districts

### FROM HAWAII

## Ko Olina Resort expansion employing Operating Engineers

By Allan Parker, stabilization fund administrator

HONOLULU, — Several projects at the Ko Olina Resort, on the leeward side of Oahu, are expected to keep between 20 and 40 Operating Engineers busy for 12-18 months.

Besides a newly built 270-slip boat harbor that is part of the \$40 million marina, construction has started on a \$6 million, two-phase project called Ko Olina Ocean Club.

Developer Brookfield Homes has started work on a residential development with plans for 270 homes. And Marriott Vacation Club International has also started its \$300 million time-share project called Ko Olina Beach Club consisting of 750 time-share units.

Local 3 contractors in the area include Healy Tibbits, Koga Engineering, R.H.S. Lee, Dick Pacific, Royal Contracting and Foundation International.



Clarence Kaluhiokalani on the pile driver for Healy Tibbits.



Above: Journey-grade operator Richard Panui and apprentice Jeff Killet are excavating piles for Koga Engineering. At left: Mel Smith, working for Dick Pacific, on the tower crane.

### Hawaii District meetings

Hawaii District meetings were well attended. In the photo at right, Local 3



President John Bonilla inducts new Maui members: Ricardo Montilliano, Richard Yamane, Jerald Smith, Dennis Franco and Glen Gushiken.

### City's paving operation shut down

An earlier agreement reached between Honolulu Mayor Jeremy Harris and District Rep. Harold K. Lewis regarding paving recently went astray. In September, city crews were identified on several occasions doing hot asphalt paving on the streets of downtown Honolulu. This was contrary to the verbal agreement that the city would only repair potholes, sidewalks and curbs.

On this particular day in September, after cold planning areas, the city dispatched its trucks to pick up hot asphalt to pave the cutout area. Prior to the city picking up the last truckload required to complete the job, Local 3 members operating the plant at signatory contractor Hawaiian Bitumuls Batch Plant were instructed not to load the city's trucks.

After being turned away, the city's truck proceeded to the only other asphalt batch plant in Honolulu, which happens to be owned and operated by another Local 3 signatory contractor, Grace Pacific. Local 3 members operating the batch plant were instructed not to load the city's trucks and once again the city was turned away empty. This left the city with a coned off street, redirected traffic and no hot mix.

District Rep. Lewis went to the project location, reviewed the situation and after determining that Local 3's "point" was made, called the batch plants and told them that they could load the city's truck. Lewis said he is determined to keep the paving work where it belongs — with Local 3.

### FROM RENO JAC

## Nevada Operating Engineers Apprenticeship winter/spring classes

### GRADESETTING

Wednesday, Dec. 5, 2001, 6 p.m. - 9 p.m.  
Saturday, Dec. 8, 2001, 8 a.m. - 5 p.m.  
Wednesday, Dec. 12, 2001, 6 p.m. - 9 p.m.  
Saturday, Dec. 15, 2001, 8 a.m. - 5 p.m.  
Wednesday, March 6, 2002, 6 p.m. - 9 p.m.  
Saturday, March 9, 2002, 8 a.m. - 5 p.m.  
Wednesday, March 13, 2002, 6 p.m. - 9 p.m.  
Saturday, March 16, 2002, 8 a.m. - 5 p.m.

### NATURAL GAS SAFETY

Friday, Dec. 7, 2001, 7:30 a.m. - 11:30 a.m.  
and 12:30 p.m. - 4:30 p.m.  
Saturday, Dec. 8, 2001, 7:30 a.m. - 11:30 a.m.

### FIRST AID

Wednesday, Jan. 9, 2002, 8 a.m. - 5 p.m.  
Saturday, April 6, 2002, 8 a.m. - 5 p.m.

### FORKLIFT CERTIFICATION

Wednesday, Jan. 16, 2002, 8 a.m. - 5 p.m. and  
Saturday, March 23, 2002, 8 a.m. - 5 p.m.

### 40-HOUR HAZMAT

Week of Feb. 4 to 8, 2002, 8 a.m. - 5 p.m.

### 8-HOUR HAZMAT REFRESHER

Saturday, Feb. 9, 2002, 8 a.m. - 5 p.m.

### 8-HOUR M.S.H.A.

Saturday, Feb. 23, 2002, 8 a.m. - 5 p.m.

### COMMERCIAL DRIVER'S LICENSE TRAINING

Ongoing - Please call for information at the Apprenticeship Office at (775) 857-3105 or sign up at the dispatch desk





# Public Employee News

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## Monterey County settles for contract extension

By Business Rep. Barbara Williams

Since March 2000, the Monterey County Deputy Sheriffs' Association and Operating Engineers Local 3 have been at battle with the County of Monterey over negotiated retirement benefits.

In 1999, deputies ratified a three-year contract that contained, among other provisions, three retirement improvements: 2 percent at 50; single-highest year; and level three of the 1959 Survivors' Benefit.

When county officials received the first actuarial in 2000 for 2 percent at 50, they were shocked to find that CalPERS applied excess assets to the cost of 2 percent at 50. Initially, they refused to implement the improved benefit unless deputies agreed to pay more of the cost – above what we had negotiated.

The county eventually agreed to implement 2 percent at 50 on schedule but only if the union agreed to binding arbitration over the issue of what "cost" meant. That is, should CalPERS be allowed to use excess assets toward the cost of 2 percent at 50?

The union won that arbitration. But then the county refused to implement single-highest year after 2 percent at 50 for the exact same reason. CalPERS had used excess assets to offset the cost, just

as with 2 percent at 50. Because the county would not implement single-highest year, the union was obligated to pursue a second arbitration.

That one, held in February 2001, went even worse for the county than the first arbitration.

Subsequent to the second arbitration, the union suggested to the CAO that all remaining disputes over the retirement issues might be settled with an entire package that included 3 percent at 50. That idea appealed to the CAO, and she instructed Human Relations to meet with the DSA to negotiate a settlement in March 2000.

### Frustration – then victory

Various county offers, however, included a longer term than the DSA could tolerate, take aways and wage freezes. It became clear to the DSA that the county was not realistic or serious about settling the disputes and negotiating 35 percent at 50. The members, in frustration, demanded that negotiations cease.

In May, we received the arbitrator's decision on single-highest year. His decision was a hands-down win for the union.

In addition, the arbitrator ruled that the county had to make whole five employees who had retired under three highest years between July 2000 and the date of his ruling.

We won these arbitrations because excellent attorneys represented the union. Stewart Weinburg and Antonio Ruiz from the VanBourgh firm each handled a hearing. Despite the county's attempt to baffle the arbitrators with intricacies of CalPERS actuarial studies, both attorneys kept the hearing on the issue of contract violations. They convinced the arbitrator that the county was wrong.

This means that the county has to find from CalPERS what these employees would have made had they been able to retire with single-highest year. His ruling was based on his decision that the county had violated the contract and had failed to implement single-highest year on the contract date. In other words, the county was flagrant in its contract violations.

We had already filed for binding arbitration on the county's refusal to implement the improvement to CalPERS

*continued on page 3*

## NEWS FROM THE public employees



by  
**STEVE BOOTH**  
director of public  
employee division

## Odds and ends

The annual PORAC conference will be held in Reno Nov. 15-17. Local 3 will be active at the conference. We will be a sponsor at the hospitality night, will have an exhibitor's booth and will be hosting a dinner for delegates from our affiliates.

Most of our staff members and a representative from our legal team will be present throughout the conference to answer questions from affiliates, talk to potential affiliates and pick up ideas in the workshops.



Our semi-annual meeting was well attended in September. Thanks to the public employees who attended and participated. The wellness fair was a valuable benefit to those in attendance.

Thanks also to the division staff and Unit 12 members who put together our display booths. You did an excellent job.



Congratulations to the many members who have recently ratified excellent contracts. Despite the sluggish economy and

uncertain state budget, staff and member bargaining teams have been coming in with good contracts for the members. A few stubborn employers have led us down the path to impasse and mediation. But on the whole, most of our public-sector employers have been reasonable and quick settlements have resulted at many tables.

Have a safe and happy Thanksgiving.



## CalPERS retirement: The highest final compensation is your goal

By Business Rep. Luciano Beltran

Many have said the California Public Employees Retirement System, or CalPERS, is the best retirement system in the world.

This author recently retired with 29 years under the CalPERS safety retirement at the 3 percent at 50 benefit – and he agrees totally with that above view.

### Know your worth

Do you know what your final compensation will be? If you have less than one year before retirement you should request from CalPERS an estimate on your final compensation. You can request forms for this estimate either on the Internet at <calpers.ca.gov> or by phoning CalPERS at (800) 352-2238. The form is easy to complete. You can also calculate an estimated final compensation at the CalPERS Web site. I recommend sending a form to CalPERS requesting an estimate by a trained CalPERS representative.

There also are several ways you can add years of service to your CalPERS retirement, including purchasing past military service time. You can purchase up to four years of military service to increase your CalPERS service credit time for final compensation. The public agency you are employed with, however, must have this option included in its contract with CalPERS. Consult with your association representative or a personnel representative

to determine if the agency has the option.

Once you determine your agency has this option, you should request from CalPERS the cost of purchasing your military time. Be sure to use the appropriate form.

By the way, the legislature has given public agencies a three-year window for employees to purchase their past military time at the salary the employee was receiving at the time he or she was in the military. Once the window is closed, the calculation would be based on the employee's current salary. Therefore, it is imperative you purchase this military time as soon as possible.

You are also allowed to purchase this military time with pre-tax dollars, which gives you an additional benefit of tax-deferred savings.

How about the employee who has worked for three different CalPERS agencies and each agency has a different retirement benefit, such as 2 percent at 55, 2 percent at 50, and 3 percent at 50?



The years of service credit for each agency is calculated by the benefit that agency has when you retire. If one of those agencies improves its contract with CalPERS after you left, such as 2 percent at 50 to 3 percent at 50, you may receive the improved benefit even though you may be with another agency.

The agency, however, may have exempted previous employees from the new contract. If that is so, your final compensation calculation with that agency would be based on the CalPERS benefit when you left that agency. Unused sick leave can also be used to purchase service credit time to enhance yours CalPERS benefit. Your agency must have this option contracted with CalPERS as well.

All this may sound confusing. But it confirms my opinion that each employee should not assume he or she will receive a certain benefit. Instead, he or she should request an estimate based on current salary. Of course, if you have several years to go before retirement, any estimated final compensation would not be necessary. Nevertheless, you should be aware of your current CalPERS benefit package, including the options the current contract contains.

### Free retirement workshops

CalPERS offers free workshops for members preparing to soon retire, and also for members who

have at least 10 to 15 years left to work. These workshops can help you plan your financial future. You can review the time and locations of these workshops by logging on to the CalPERS Web site cited above.

It is imperative each CalPERS member knows and understands his or her current CalPERS package. As a member nears his or her retirement day, he or she should know what their final compensation would be. Retirees should not be guessing or speculating since CalPERS has representatives and the best system in the world to help you prepare for retirement. Don't let the opportunity go by only to find yourself in need of additional income after you retire because you did not plan for the future based on your CalPERS retirement benefit.

### Seek the best

In summary, you and your association should be seeking the best final compensation package for yourself. This final compensation will most probably be your major source of income after you retire. Some of you may seek additional employment once you retire because you want to pursue an additional career.

In your later years, however, you will appreciate the time and effort you and your association put in to deliver a final compensation package which will meet your needs.



## Orland, Tuolumne public employees win contracts

Local 3 wrapped up negotiations for the Orland Police Officers Association on Oct. 1.

Highlights of the new, three-year package include a 5 percent wage increase retroactive to July 1, 2001, and another 5 percent wage increase effective Jan. 1, 2002, with uncapped cost-of-living-allowance increases (based on the Bay Area consumer price index) in the second and third years.

On July 1, 2002, officers will receive the 3 percent at 50 PERS retirement for-

mula. Caps on vacation and sick leave were removed, with provisions made to convert 100 percent of sick leave accrual to PERS upon retirement.

Other improvements include increasing uniform allowances, increasing CTO accrual from 40 to 120 hours, and incentive pay for degrees and POST certificates.

The package was unanimously accepted by our union members. Local 3 appreciates the hard work and dedication put forward by officers Bryan

Farrell and J.C. Tolle in assisting Business Rep. Dean Cofer in obtaining these results.

Just as this article was going to press, contracts were ratified for three units in Tuolumne County. This follows a rather difficult time at the bargaining table. Membership has really been stepping up, however, participating in evening meetings, providing support and input to the bargaining committees, and encouraging several dozen non-members to join the union.

## Monterey County settles for contract extension

*continued from page 1*

Survivors' Benefit by the time we received the second arbitration award. The county was to have requested a CalPERS actuarial on the cost, if any, of going to the third tier by September 1999. The county did not do it. Even when the union submitted a pre-grievance written demand citing the agreement under a memorandum of understanding in July 1999, the county still refused to order the actuarial.

The county denied this grievance saying that it was not timely; the union should have filed the grievance in September 1999 when the county failed to order the CalPERS actuarial. CalPERS eliminated the third tier of the Survivors' Benefit in December 1999. That left us with the fourth tier and a possible cost.

### Turning point

In July 2001, the county once again approached the union to settle outstanding issues and negotiate for 3 percent at 50. On the heels of two unfavorable arbitration decisions and resignations from many frustrated deputies, the county was serious this time. The county offered us a four-year contract extension from 2002 to 2006. It included an annual labor market survey that compares the deputies' top step to those of three highest-paid agencies in the county. Deputies will receive an annual salary increase equal to the average increase in those agencies. Deputies had a

new 5 percent top step on July 1, 2001 and the settlement package also offered an additional 3 percent in salary upon ratification. There were no take aways.

The county also offered to implement 3 percent at 50 with the county picking up 100 percent of the cost. The DSA had ordered an actuarial from CalPERS and by June we knew that the cost was more than 17 percent. Also included was the fourth tier of 1959 Survivors' Benefits, at no cost to employees, and increases in sheriffs' office assignment pay.

It took 18 months of fighting the county, but in the end the union won. In April, the DSA began to leaflet and picket various community meetings that supervisors held. The DSA also orchestrated an ongoing e-mail campaign to supervisors and the CAO.

This campaign was particularly successful in irritating the CAO. Two of the supervisors had refused to meet with the DSA in individual meetings to discuss the contract violations, and these are the two that the DSA targeted for leafleting and picketing.

By the time the county approached us in July to settle the outstanding retirement issues, it was clear that the supervisors had had enough and ordered the CAO to get the problems resolved.

### Powerful moment

The DSA also created an alliance with the labor unions that represent other county

employees. In June, each of the unions passed votes of no confidence in the CAO. We all went to the open forum part of the supervisors' meeting and read statements in regard to the votes of no confidence. This was a powerful moment: The CAO had to sit in public and hear the same message over and over.

Shortly after that event, the nurses in the county hospital received a \$5-an-hour increase, and home health care workers received a slight increase with a possibility of receiving more from pending state aid. Then the county contacted the union to reopen the contract with deputies.

All three retirement improvements are now in effect. The county will begin the contract amendment process for 3 percent at 50 in November. In accordance with a reopener on medical insurance, the county just gave deputies an extra \$91 toward CalPERS and Local 3 family insurance.

So far, the county has stood by its commitment to improve its relationship with employees, including the DSA. Deputies stood together well during this dispute despite its length of nearly 18 months. Many deputies came out and picketed the supervisors' community meetings and stood for long periods holding their signs. We also received support from citizens wherever we went. The resolution to the

dispute speaks to the value of holding out.

The fact of the matter was that the county had negotiated a contract in 1999 for three retirement benefits. Then the county found out that CalPERS has a new practice of applying excess assets to the cost of benefit improvements. The county used to send checks to agencies when they had surplus funding. Because these "windfall" checks were so controversial, CalPERS decided to use surplus funds to the benefit of employees as well as employers. That way, as one actuary supervisor wrote us in a letter, CalPERS stays out of the argument of whether agencies or employees own the assets.

The county had not negotiated or even mentioned at the table the application of assets. So when CalPERS used assets in its normal actuarial process, the county objected. It was too late. The county had already ratified and signed a contract that determined how the costs of the new benefits would be paid. In 1999, the deputies agreed to pay the cost of these benefits from set aside money. The cost was simply what the CalPERS actuarial stated. The county never negotiated with the union over what "cost" meant. That is why the county lost two arbitration hearings.

In short, the county tried to make up new rules after negotiations and it didn't work.

NEWS  
FROM THE  
**public**  
employees

## NEWS FROM THE public employees

### OPERATING ENGINEERS LOCAL UNION #3

**Don Doser**  
Business Manager

**John Bonilla**  
President

**Max Spurgeon**  
Vice President

**Rob Wise**  
Recording-  
Corresponding  
Secretary

**Darell Steele**  
Financial Secretary

**Bob Miller**  
Treasurer



## Your right to representation on the job

As a result from longstanding case law, union members have a right to representation when they have a meeting with a supervisor that could lead to disciplinary action.

In a 1975 U.S. Supreme Court decision, the National Labor Relations Board vs. Weingarten, a store clerk who had been denied union representation during a meeting that could have led to disciplinary action, was denied that right despite her repeatedly asking to have her union steward present.

While this original case was based on the National Labor Relations Act, which covers private sector employees, a subsequent Court of Appeals decision applied this right to public employees in California.

Robinson v. State Personnel Board, a 1979 case, made the same statement: A union member has a right to "union representation at a meeting with his superiors held with a significant purpose to investigate facts to support disciplinary action."

According to case law, the employee must demand union representation. The employer has no obligation to make such an offer. In Weingarten, the Court wrote that "The right arises only in situations where the employee requests representation."

In other words, the employee may forgo his or her guaranteed right and, if he or she prefers, participate in an interview unaccompanied by a union representative.

To invoke these rights under Weingarten, an employee must have a reasonable belief that discipline will result from the meeting.

Three other rights stem from the Weingarten decision:

- An employee is entitled to information from the employer regarding the subject of the meeting;
- An employee is entitled to consult with his or her union representative prior to the meeting; and
- The union representative is allowed to request a pre-interview consultation meeting with the employee.

Three limitations also are made clear in Weingarten:

- A union representative cannot be requested for a meeting called simply to announce disciplinary action already decided;
- An employee cannot refuse an order to go to a supervisor's office even if the request for a steward has been denied. (She or he may, however, refuse to meet face-to-face with the supervisor if discipline is a possible outcome.)
- The employee does not have a right to the steward or union representative of his choice. (The employer can insist on the presence of the shop steward.)

### When it comes to law enforcement

In addition to Weingarten, law enforcement personnel have additional protection during the course of an internal affairs investigation. That right is covered in the Peace Officers' Bill of Rights. POBOR does not cover routine, day-to-day investigations that could result in disciplinary action. Section 3303 of POBOR states that it does not apply to "any interrogation of a public safety officer in the normal course of duty, counseling, instruction, or informal verbal admonishment by, or other routine or unplanned contact with a supervisor..."

A 1997 Court of Appeals case states that this exclusion was "intended to cover innocent preliminary or casual remarks between a supervisor and an officer."

In other words, whatever an officer says in such a mandatory but casual contact cannot be used against him.

In summary, an employee's right as construed from federal case decisions is that he or she has a right to have a representative in the room when a supervisor is interviewing him or her and that interview could lead to disciplinary action.

It is incumbent upon all officers to draw that line between Section 3303 of POBAR and Weingarten and demand representation in a supervisor's interview that could lead to disciplinary action.

At a minimum, even if the end result is NOT disciplinary for an incident that the supervisor wants to discuss (as in Weingarten), the employee will have a witness to everything that transpired in the meeting.

If a misunderstanding arises from the meeting and only the employee and the supervisor are in the room, it is more likely that administration will give more weight to the supervisor's version.

For example, if the supervisor reports up the chain of command that the employee was rude or insubordinate, discipline could result if you have no representative.

## Public Employee Division Offices

### CALIFORNIA

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